A JOURNAL OF Several Remarkable Paſſages, BEFORE *The Honourable* Houſe of Commons, *and the Right Honourable the* Lords *of Their* Majeſties *Moſt Honourable* Privy Council: RELATING TO The East-India Trade.

THE Ruinous Condition of *our Trade to the* East-Indies, having put ſeveral Merchants and others upon conſidering by what means ſo Advantagious and Profitable a Trade, might be ſecured from being *utterly loſt to this Kingdom*, and (if poſſible) be re-eſtabliſht —— It was concluded, that the moſt likely way to obtain that end, was to endeavour the procuring *an Act of Parliament* for eſtabliſhing a new *East-India* Company, founded on a new and ſufficient *National Joint-Stock*, clear of all Incumbrances. Whereupon thoſe Merchants prepared the following Petition which was delivered to *the Honourable Houſe of Commons*, the 23 *October* 1691. Praying ſuch an Eſtabliſhment.

To the Honourable the Commons of England *in Parliament Aſſembled.*

The Humble Petition of ſeveral Merchants and Traders in and about the City of London, *and other Their Majeſties Subjects.*

Sheweth,

THat *the Trade to* East India *is of great Importance to* this Nation, *and yet by the manifold abuſes and unlawful Practices of the preſent* East-*India* Company *both at home and abroad, (who have managed the ſame only for their* Private Gain, *without any regard to the* Publick Good) *the ſaid Trade is like to be utterly loſt to this Kingdom, and to fall into* the hands of Foreiners, *unleſs timely prevented by ſome better Regulation thereof,* on a New Joint-Stock and Conſtitution.

Your Petitioners therefore moſt Humbly pray, this Honourable Houſe, for preventing ſo National a miſchief, *to take into your Conſideration the Eſtabliſhing a New* East-India *Company in ſuch manner and with ſuch Powers and Limitations,* as in your great Wiſdom *ſhall be thought moſt conducing to the preſervation of* ſo beneficial a Trade to this Kingdom.

And Your Petitioners ſhall ever Pray, *&c.*

This Petition was Signed by a great Number of *Gentlemen*, *Merchants*, and other *Traders*; who, together with ſeveral Noble Lords, ſhewed their Willingneſs to Promote ſo good a Work, and to be Concerned the ſeveral Sums by them Subſcribed towards Raiſing *ſuch a Stock to carry on that Trade:* making it their requeſt to thoſe perſons, who had engaged themſelves therein, to purſue their endeavours to procure *ſuch an Eſtabliſhment*; as appears by a Writing Signed to that effect, Copy whereof follows.

Whereas

WHereas the Trade to East-India *is of very great importance to this Nation, and yet through the many Abuſes and Unlawful Practiſes of the Managers of the preſent Joint Stock, both at home and abroad, is like to be utterly loſt, if ſome ſpeedy Care be not taken by Application to* Their Majeſties and the Parliament, *to procure a regular and lawful Eſtabliſhment of the ſame, which cannot be compleated without a new and ſufficient* National Joint-Stock *clear of all Incumbrances. And Whereas divers Eminent Merchants and Traders in and about the City of* London *are accordingly endeavouring to procure ſuch an Eſtabliſhment for the Benefit and Advantage of all Perſons who ſhall or will be concerned in the ſaid Trade; We the Subſcribers being willing to promote ſo good a Work, and deſirous to preſerve a Trade ſo highly beneficial to* Their Majeſties *and* this Kingdom *in general, do hereby ſeverally Promiſe and Oblige our ſelves, ſo ſoon as ſuch* Eſtabliſhment *ſhall be made, to pay the ſeveral Summs of Money by us Subſcribed towards raiſing the ſaid* Stock *at ſuch time and place as a* Committee *to be choſen by the major part of us the Subſcribers ſhall direct and appoint. And* we do hereby make it our Requeſt to thoſe Perſons, *who have engaged themſelves by a* certain Writing *under their hands bearing date the* 8 *inſtant to endeavour the procuring* ſuch Eſtabliſhment *to purſue thoſe their endeavours to perfect and compleat the ſame.* And we do hereby *further promiſe to allow and pay them out of the ſaid* Joint Stock *(when the ſame ſhall be ſettled as aforeſaid) all ſuch Sums of Money as ſhall be thought neceſſary by them to be laid out and diſburſed in obtaining the ſaid* Eſtabliſhment *according to the true intent and meaning of this* Preamble *ſo as the account thereof be Allowed and Signed by the* major part *of thoſe who have Subſcribed the* Writing above mentioned.

The Honourable Houſe of Commons ſhewed a very great inclination and readineſs to promote an undertaking ſo neceſſary and advantagious to *this Kingdom*, and made a conſiderable Progreſs therein.

But finding themſelves prevented in the Accompliſhment of it, as well by the preſſing occaſions of other *Publick Affairs*, as by the great oppoſition of the then Company, they preſented to His Majeſty the following Addreſs.

Sabbati, 6 die Februarii, 1691.

Reſolved,

That *An humble Addreſs* be made to *His Majeſty*, to Diſſolve the preſent *East-India* Company, according to His Power reſerved in their Charter; and to conſtitute another *East India* Company,

for the better preſerving the *East-India* Trade to this Kingdom, in ſuch manner as *His Majeſty* in His Royal Wiſdom ſhall think fit.

Reſolved,

That the ſaid Addreſs be Preſented by the Whole Houſe.

Jovis, 11 *die Februarii*, 1691.

Mr. Speaker Reported to the Houſe, That he did yeſterday Preſent to His Majeſty, their Humble Addreſs touching the *East-India* Company; and that His Majeſty was pleaſed to expreſs Himſelf to this effect:

That it was a matter of very great Importance to the Trade of this Kingdom, *and that it could not be expected, He ſhould give a preſent Anſwer to it; but that He would take time to conſider of it, and in a ſhort time give them His poſitive Anſwer.*

Whereupon, His Majeſty, during the receſs of the Parliament, referred the Conſideration of the Settlement of that Trade, to a Committee *of the Lords of His Moſt Honourable Privy Council*; who were likewiſe prevented therein by the then Company; as may appear by the Regulations which their Lordſhips propoſed to them, and their Anſwer, together with His Majeſties Meſſage, *ſent to the Houſe of Commons the laſt Seſſions*, complaining of their Carriage upon that occaſion; all which being lately Printed, it will be needleſs to repeat them.

The Merchants, who were entruſted in endeavouring to obtain the Eſtabliſhment of a New *East-India* Company by Act of Parliament, delivered another Petition to the Honourable Houſe of Commons *in the next Seſſions*, as follows, *(viz.)*

To the Honourable, the Knights, Citizens, and Burgeſſes in Parliament Aſſembled.

The Humble Petition of ſeveral Merchants and Traders, in and about London, *and other Their Majeſties Subjects:*

Sheweth,

THat the Petitioners, *with many others, did in the laſt Seſſion of Parliament make their humble Application to this Honourable Houſe,*

Houſe, for the Erecting a New East-India *Company*, to preſerve that Trade; *which, for want of Settlement, is in great meaſure loſt to this Kingdom*, will wholly fall into the hands of our Neighbours, *unleſs timely prevented.*

The Petitioners therefore humbly pray this Honourable Houſe, to take into Conſideration the Erecting of a New East-India *Company, for the* Retrieving and Securing that Trade to this Nation; *in ſuch manner as to the Great Wiſdom of this Houſe ſhall ſeem moſt Expedient.*

And Your Petitioners ſhall ever Pray, *&c.*

This *Petition* was delivered the 14*th* of *Novemb.* 1692. being the ſame day the aforeſaid *Meſſage* from *His Majeſty* was ſent them: Wherein He acquainted the Houſe, That the Settlement of that Trade could not be perfected, but by Parliament; and Recommended it to them, to prepare a Bill in Parliament for that purpoſe. Accordingly they prepared a Bill, for the Erecting of a New *Eaſt-India* Company; but the perfecting of the ſame being again prevented by the Late Company, that *Honourable Houſe* made a ſecond Addreſs to His Majeſty, only to Diſſolve the ſaid Company; which, together with His Majeſties Aſwer, was as follows.

Sabbati 25 *die Februarii* 1692.

Reſolved, That an Humble Addreſs be Preſented to His Majeſty, That he will Diſſolve the *Eaſt-India* Company upon *Three Years warning* to the ſaid Company according to the Power reſerved in their Charter.

Reſolved, That the ſaid Addreſs be preſented by the whole Houſe.

Veneris 30 *Die Martis* 1692.

Mr. *Speaker* reported to the Houſe, That he did yeſterday preſent to *His Majeſty* their Addreſs touching the *Eaſt-India* Company, and that His Majeſty was pleaſed to expreſs himſelf to this Effect, *Viz.*

Gentlemen,

I will always do all the Good in my Power for this Kingdom *and I will conſider your* Addreſs.

Soon after the Riſing of the Parliament, it was generally reported, Regulations were agreed on, to eſtabliſh the Late Company,

pany, adding 756000 *l.* to their Stock by new Subſcriptions, without any Security; which Summ, with their ſuppoſed 744000 *l.* ſhould make *a Stock* of 1500000 *l.* being what the Houſe of Commons had Voted *a Fund neceſſary to carry on that Trade.* The Members of the Company having given aſſurance, that the 756000 *l.* would be readily Subſcribed amongſt themſelves on thoſe terms, if others ſhould decline it.

A New Charter was thereupon ordered to be prepared, and it was given out, *That all Perſons were ſatisfied with, and agreed to theſe Regulations*, and particularly, that they were approved of by all, or the moſt of thoſe, who had been entruſted to procure the Settlement of this Trade, in a New Company, eſtabliſht by Act of Parliament.

But they being far from approving any ſuch Proceedings, thought themſelves concerned *to Vindicate their own Reputation*; leſt they ſhould be cenſured as conſenting thereunto, and ſo to have betrayed that Truſt which was repoſed in them; *viz.* To endeavour the obtaining the Eſtabliſhment of a New Company for that Trade *by Act of Parliament*, with a New and Sufficient *Joint-Stock*, free of all Incumbrances. Therefore they reſolved to Petition *His Majeſty*; in which all thoſe who firſt engaged in the proſecution of that Buſineſs, concurred, excepting one, who deſired to be excuſed; and another, *who had already changed his mind*; *acting in behalf of the Late Company, in oppoſition to what he had at firſt undertaken.* The Petition was delivered the 23*d* of *March*, as followeth, *viz.*

To the King's Moſt Excellent Majeſty:

The Humble Petition of divers Merchants, and others of the City of London.

Sheweth,

THat *the Petitioners, with many others, (after* their humble Application *firſt made to Your Majeſty) did prefer their Petitions to the Commons of* England *in Parliament aſſembled, the two laſt Seſſions*, for the Eſtabliſhing a New *Eaſt*-India *Company*, and preſerving that Trade to the Nation: *whereupon two Addreſſes to Your Majeſty, enſued from the ſaid Houſe.*

Now in as much as the Petitioners do moſt humbly conceive, That ſuch an Eſtabliſhment by a New, Free, and National Subſcription, *for the Raiſing a ſufficient and real Fund to carry on that Trade, would be of* great Advantage to this Kingdom, *and moſt acceptable*

to

to Your Majesties Subjects in general: And that the Adding New Subscriptions to the Imaginary Stock *of the present Company, would expose such of Your Majesties Subjects as should Joyn with them, to a certain great Loss and Damage; and their New Money become liable to Pay the Debts and Demands due from* the present Company; *whereby all the Stock raised by such* New Subscriptions *may be swallowed up, and consequently the entire Loss of that Trade endangered.*

The Petitioners therefore most humbly Pray, That Your Majesty (out of Your Princely Care for the Good of Your People) would be graciously pleased to take the same into Consideration: so that the aforesaid Mischiefs *may be prevented, and* all Your Majesties Subjects made Partakers of the Benefit of that Trade upon Equal Terms.

And Your Petitioners (as in Duty bound) shall ever Pray, *&c.*

The *Parliament* having Taxed several *Joint-Stocks*, the last Sessions, and (among others) the Joint-Stock of the *East-India* Company, and Rated it at 744000 *l.* and the Members of the *East-India* Company, who were of that *Honourable House*, pleading to excuse that Tax, **That their Stock would be worth little or nothing, if they Payd their Debts**: it was thereupon Enacted as follows. "**And in case the Governours and Treasurers** "**of the said respective Companies shall make Default in Pay-** "**ment of the said several Sums, or any of them respectively,** "**Charged on the Stocks of the said Companies, at the Days** "**and Times aforesaid, according to the true Intent of this** "**Act, the Charter of such Company respectively, shall be,** "**and is hereby Adjudged to be Void.**

The Company nevertheless *made Default* in Paying the first quarterly Payment, of the said Tax, on the 25 of *March*, being the day limited in that Act; whereby their *Charters became absolutely Void*: which put a stop to the further proceeding of their intended New Charter.

Hereupon it was generally concluded, This Accident would have given a favourable Opportunity for the speedy Settlement of that Trade, on such a Foundation as the *House of Commons* had desired, and the *Nation* expected; which had before been so long Obstructed by the *Late Company*; seeing they were now Dissolved by their own Act, and thereby the difficulty of the Three Years Warning was wholly removed.

But

But thoſe Hopes were ſoon diſſipated; Orders being given, for the drawing a New Charter, to Reſtore to the *Late Company* not only their former Grants, but to eſtabliſh new Regulations, appointing 756000 *l.* to be added by new Subſcriptions, to their ſuppoſed 744000 *l.* without any Security to be given, *to make their Stock worth it*; --- in like manner as it was reſolved to have been done, if their Charters had not been Forfeited.

Upon which, thoſe who had been entruſted to obtain the Eſtabliſhment of a New *Eaſt-India* Company by Act of Parliament, entred *Caveats* at all the Offices, againſt the Paſſing any Grant to the ſaid Company; that ſo nothing might be wanting on their parts to Oppoſe it. But the Difficulties were ſo great, in Modelling ſuch a *Charter* as was propoſed, that after ſome time ſpent, at laſt it was judged moſt practicable, and expeditious; firſt, to Grant a Charter of Incorporation and Reſtoration; and afterwards, to add to it the other intended Regulations.

Notice was ſent to thoſe who were concerned in the *Caveats*, that they might attend the Right Honourable the Earl of *Nottingham*, on Monday the 31 of *July*, and be heard, as to what they had to ſay againſt the Paſſing the Grant to the *Eaſt-India* Company, which was then before his Lordſhip: At which time *ſeveral Merchants* attended his Lordſhip on both ſides, whom his Lordſhip made acquainted with the Contents of that Grant; a Copy of which was deſired; by thoſe who were concerned in the *Caveats*; and that ſome time might be allowed them, to make ſuch Exceptions as they ſhould be adviſed were Neceſſary, and (the Company conſenting) a Copy was granted, which was delivered the next day in the Evening; and the ſame Afternoon Her Majeſties pleaſure was ſignified, That thoſe who did Oppoſe the Paſſing the Grant to the *Eaſt-India* Company, ſhould be heard before *Her Majeſty* in Council, the Thurſday following. — They attended accordingly, and having informed Her Majeſty, That they could not poſſibly Inſtruct their Counſel, or be ready themſelves at *ſo ſhort a warning*, to give Her Majeſty the Satisfaction which was neceſſary in a matter of ſo great concern, *they Humbly Prayed* 14 days longer time; to which Her Majeſty was graciouſly pleaſed to condeſcend, and Ordered that all Perſons ſhould attend the 17 day of *Auguſt*, as appears by the following Order.

At the COURT *at* White-Hall:
The Third of Auguſt, 1693.

Preſent,

The *QUEENS* Moſt Excellent Majeſty, in COUNCIL.

A Draught of a New Charter to the East-India *Company having been Preſented to the* Queen, *and ſeveral Merchants and Traders having Humbly Prayed to be Heard before the Paſſing of the ſaid Charter: Her Majeſty in Council is pleaſed to Order, and it is hereby Ordered accordingly, That this Matter be Heard at the Board this day Fortnight; Whereof all Parties concerned are to take Notice, and to give their Attendance accordingly.*

William Bridgman.

Thoſe who called themſelves the *Eaſt-India* Company, having Petitioned Her Majeſty for Protection for 1200 Seamen; (a Method practiſed by all Traders during this War;) —— On the 17*th* of *Auguſt* the Merchants that Oppoſed the Late *Eaſt-India* Company, Delivered a Petition alſo to Her Majeſty in Council, Praying Protection for 400 Sea-men, to Man 5 Ships for the *Eaſt-Indies*, this Seaſon. For as there was no Law, ſo neither was there at that juncture, ſo much as the Pretence of any Charter, to hinder them in the Proſecution of that Trade; or which could give colour to Deprive any of Their Majeſties Subjects of an equal Enjoyment of it: And if it had not been for the War, and the want of Protections for Seamen, they would have Entred their Ships at the *Cuſtom-Houſe* Bare-faced for the *Eaſt-Indies*, and ſtood upon the Law for their Juſtification.—— The Petition following was Read, but no Order was made thereupon.

To the Queens Moſt Excellent Majeſty:

The Humble Petition of ſeveral Merchants and Traders of the City of London, *in Behalf of Themſelves, and others Your Majeſties Subjects;*

Sheweth,

THAT *whereas the Petitioners are Adviſed by Counſel Learned in the Law, That they and all Your Majeſties Subjects have an Equal Right to the Trade of the* Eaſt-Indies: *And for as much as the Petitioners have Provided conſiderable quantities of Cloth, and other Manufactures of this Kingdom, to be Exported thither; and that the Exportation thereof for other Parts, is very much Interrupted, by reaſon of the preſent War, to the Great Damage and Diſcouragement of the Manufacturers:*

The Petitioners therefore Humbly Pray, Your Majeſty would be graciouſly pleaſed, to Order, That the Petitioners may have Four Hundred Engliſh *Seamen, to go to the* Eaſt-Indies *in Five Ships; to carry out ſuch Woollen and other Goods, as they ſhall Provide to be Exported thither this approaching Seaſon.*

And Your Petitioners ſhall ever Pray, *&c.*

The ſame day, in purſuance of the Order of the 3*d* of *Auguſt*, all Parties Appeared, and being Called in, the Merchants who Oppoſed the Paſſing of the Late Companies Charter, Repreſented to Her Majeſty: ——

I. The Unſeaſonableneſs of the Time for doing it; ſo near the Seſſions of Parliament; to whom the Settlement of this Trade was Recommended, by His Majeſties Meſſage ſent the Houſe of Commons, the Laſt Seſſions.

II. The Unlawfulneſs of a Grant of the Sole Trade to ſome, Excluſive of others.

III. The Illegality of ſeveral other Clauſes, and Powers contained in their former Charters, intended to be reſtored.

The

The Power of Her Majesties Prerogative to Grant that Trade to some, and Exclude others, was Vigorously Asserted and Maintained as Law: Whereupon it was Proposed by the Merchants Council, that an Issue should be setled, in which they would join, and bring that Point to a Tryal the next Term, that so it might be Legally determined; But this was declined, and it was alledged the matter had been Legally determined already by a Judgment in *West-minster-Hall*; which Judgment its remarkable was given in a Time, when Judges did also declare the Crown had a Power to Dispence with all Laws, neither of which Judgments were ever esteemed as Law by Men Skilled in that Profession.

After much Time spent in hearing the Arguments on both sides, the Parties were dismist without any resolution taken; and Her Majesty not having declared her Pleasure on the Petition which was delivered for Protection for 400 Sea-men to go to the *East-Indies* this Season. The 31*th August* the Merchants delivered Her Majesty in Council another Petition to the same effect as the former.

To the Queens Most Excellent Majesty:

The Humble Petition of several Merchants, in behalf of themselves and others.

Sheweth,

THat whereas the Petitioners and several others, in Pursuance of the Right, which they conceive they have by Law to Trade to the East-Indies, *did lately make their Humble Application to Your Majesty for* 400 English *Sea-men to go thither in Five Ships, and carry out such Cloth and other Goods as they should provide to be exported thither this approaching Season.*

The Petitioners therefore Humbly Pray Your Majesty to take their said Application into Consideration, and Order them Protections for 400 *Sea-men to go to the* East-Indies *this Year, it being now high time to make Provision for the said Voyage, or that they may be heard thereupon before Your Majesty in Council.*

And Your Petitioners (as in Duty Bound) shall Pray, &c.

And the ſame day theſe Three other Petitions were likewiſe delivered.

To the Queens Moſt Excellent Majeſty:

The Humble Petition of ſeveral Merchants, in behalf of themſelves and others.

Sheweth,

THat whereas a Grant is now depending, for the Reſtoring and Confirming to the Late East-India Company their former Charters; and the Petitioners, with ſeveral others, having in Obedience to Your Majeſties Commands, Attended Your Majeſty in Council; Offered ſome Reaſons againſt the Paſſing that Grant; and being adviſed, That as the ſaid Charters are Voided by Act of Parliament, they cannot be Reſtored; and that they contain certain Clauſes and Powers Repugnant to the Laws of this Land, Magna Charta, and ſeveral other Statutes. And whereas the Late Company have formerly by colour of thoſe Illegal Powers, greatly Oppreſs'd Your Majeſties Subjects; and that the Reſtoring them the ſaid Charters, containing Powers which are in themſelves unlawful (notwithſtanding the ſeeming Qualification mentioned in the ſaid Grant, as far as they may be lawfully uſed) will induce thoſe who are to have the Execution of them, to think all ſuch Powers to be Lawful; they having already Executed them as ſuch: Whereby Your Majeſties Subjects will be expoſed to great and vexatious Oppreſſions.

And, in as much, as we humbly conceive, That the Right and Property of all the Subjects of England is concerned in this Grant; which ſeems to be a Sentence againſt their Right to the Freedom of that Trade, of which they are now in actual Poſſeſſion by ſeveral Acts of Parliament; and to ſubject their Perſons and Eſtates, to the Fines, Forfeitures, and Puniſhments in the Charters intended to be reſtored; or to vexatious and ruinous Suits at Law, to defend themſelves againſt a Corporation; which was more fully and largely Repreſented to Your Majeſty by the Petitioners Councel.

The Petitioners therefore Humbly Pray Your Majeſty would be graciouſly pleaſed, in conſideration of the Premiſſes, to ſuſpend the Paſſing the ſaid Charter, until the Petitioners Right to this Trade be determined by a due Courſe of Law; in which the Petitioners, for their Parts, are willing to Join Iſſue, in Order to bring it to a Trial this next Term.

And Your Petitioners (as in Duty bound) ſhall ever Pray, &c.

To

To the Queens Moſt Excellent Majeſty:

The Humble Petition of ſeveral Linnen-Drapers *and others of* London, *Trading in* Eaſt-India *Goods.*

Sheweth,

THat *whereas the Trade to the* Eaſt-Indies, *through the ill Conduct and Management of the late* Eaſt-India *Company, is very much impaired, and in danger to be utterly loſt in this Kingdom, and that by reaſon of the great ſcarcity and dearneſs of* Callicoes, *and other* Eaſt-India *Goods; for want of the ſaid Companies Importing them from the* Eaſt-Indies; *this Nation hath been of late ſupply'd therewith by Stealth from* Holland, *at exceſſive dear Rates; to the great damage of the Petitioners Trade, and Diminution of Your Majeſties Revenue.*

And whereas Your Petitioners are inform'd, That a New Charter *is now under* Your Majeſties *Conſideration, whereby this* great Trade *is intended to be* granted *to the* Late Company, *Excluſive to all the reſt of* Your Majeſties Subjects; *and to be* Monopolized *into a few hands of thoſe very Perſons, who have already ſo much abuſed and impaired it.*

Now in as much as Your Petitioners do humbly conceive, and are adviſed, That all Your Majeſties *Subjects have an equal Right to that* Trade *by Law:*

The Petitioners *therefore Humbly Pray* Your Majeſty, *That You would be graciouſly pleaſed to Order, That the ſaid* Charter *may not be Paſs'd; but that the* Petitioners, *and others* Your Majeſties *Subjects, may equally enjoy the Freedom and Liberty of that* Trade; *that ſo it may be Preſerv'd from being Loſt, and this Kingdom ſupply'd directly from the* Eaſt-Indies *upon more moderate Terms, than now it is from* Holland. *To the Support of the* Petitioners *in their* Trade, *and the great Increaſe of* Your Majeſties Cuſtoms.

And Your Petitioners ſhall ever Pray, *&c.*

To

To the Queens Moſt Excellent Majeſty:

The Humble Petition of the Clothiers, *and other Woollen Manufacturers in the County of* Glouceſter.

Sheweth,

THat Your Petitioners, *finding the Trade for* Turkey *and the* Streights, *in a manner wholly Obſtructed, by reaſon of which little or no* Cloth *Sells; and for that the* Petitioners *have great Quantities of* Goods *upon their hands Unſold, and have not* Stock *enough beſides to Imploy the poor Spinners, Weavers, and other Workmen, and daily Cry at their Doors for* Work.

Therefore we do Humbly Beſeech Your Majeſty, *That a* General Liberty *may be Granted at this time, to Export freely the Woollen Manufactures for the* Eaſt-Indies; *which* Trade *will take off Yearly, Ten times the Quantity of* Cloth, *which hath been Tranſported for thoſe Parts for ſeveral Years laſt paſt.*

And Your Petitioners ſhall ever Pray, *&c.*

Whereupon, *Her Majeſty* was pleaſed to Order, That Copies of the ſeveral Petitions ſhould be given to the Late Company; to which they ſhould *make Anſwer in Writing:* which Order follows.

At the COURT *at* White-Hall:
The 31 *of* Auguſt, 1693.

Preſent,

The *QUEENS* Moſt Excellent Majeſty, in COUNCIL.

UPon *Reading this day at the Board the* Petition *of the* Clothiers *and* Woollen Manufacturers *in the County of* Glouceſter, *two* Petitions

Petitions *of ſeveral* Merchants, *in behalf of themſelves and others*; *and the* Petition *of ſeveral* Linen-Drapers *and others of* London, *Trading in* Eaſt-India *Goods*: Her Majeſty *in* Conncil *is pleaſed to Order*, *That the* Eaſt-India Company *have Copies of the ſaid* Petition, *and return their* Anſwers *in Writing to the ſame*, *to this Board.*

William Bridgman.

In purſuance whereof, the next *Council-day*, being the 7 of *September*, the Company gave in their *Anſwer*.

To the QUEENS *Moſt Excellent Majeſty*:

The Humble Anſwer of the Governour and Company of Merchants of *London*, Trading into the *Eaſt-Indies*; *To the ſeveral* Petitions *delivered unto* Your Majeſty *in Council*, *the 17th and 31th of* Auguſt *laſt*.

THE Scope of the ſaid *Petitions* ſeems to be, That the *Charter* for Confirmation of the *Company* lying before *Your Majeſty*, ſhould not Paſs the Seals, becauſe the *Petitioners* pretend, that all *Your Majeſties Subjects* have a *right* Indifferently to Trade to the *Eaſt-Indies*, by the *Laws of this Realm*; and ſome of them deſire *Leave and Protection*, to ſend out Five Ships and Four Hundred Men to *India*

Whereunto the *Company* crave leave to Anſwer in *General*, That they Humbly Conceive the Queſtion now is, Whether the *Petitioners* ſhall have liberty to Trade in a *Joint-Stock*; or *licentiouſly* and *diſorderly*, contrary to the Antient Wiſdom of this *Nation* and all other Nations in *Europe*, even of *Commonwealths* as well *Monarchies*; and contrary to the Votes of the *Honourable Houſe of Commons*: Such Licentious Trading at laſt ending in the publick *damage*, *diſhonour*, and *loſs* of the *Trade* it ſelf to this *Kingdom*; becauſe that *particular Traders*, without any regard to the *publick Advantage*, do drive only a *private Intereſt*, to Enrich themſelves in a *Voiage* or two; to the great Loſs and Prejudice of the *Company*, who have at vaſt *Charge* and *Hazard*, *maintained* and *enlarged* this *Trade*, to the *Honour of this Nation*. And the *Company* humbly conceive, the ſad Conſeqnences of ſuch *Practices* in the *late Uſurper's* time, are pregnant Inſtances of what Damage to the *Trade in General*, ſuch looſe and free Trading is like to prove.

But

But that they may not Omit giving Anſwer to whatſoever they conceive *Material* in the ſaid *Petitions*, beſides what hath been already offered.

They Humbly Crave Leave to Reply as follows, *viz.*

To the Petition *of ſeveral Merchants*, in behalf of themſelves and others; Relating to the *Charter* now lying before *Your Majeſty*.

The *Company* Humbly Say, That *the ſaid Petition* is to Suſpend the Paſſing of the ſaid *Charter*, prepared for Reſtoring and Confirming to the *Company* the Lawful Liberties and Priviledges formerly Granted to them by *Your Majeſties* Royal Predeceſſours, *Kings* and *Queens* of *England*; pretended by the Petitioners to be Avoided by the Non-payment of the Firſt Quarterly-payment laid upon ſeveral *Joint-Stocks*, by a late *Act* of this preſent *Parliament*. And the Reaſon of ſuch Stop ſeems to be taken,

I. *From the Nature of the Avoidance, which (as it is ſaid) is by Act of Parliament; and ſo (as is pretended) not to be Reſtored by* Your Majeſties *Power only.*

II. *That ſuch Reſtitution is againſt Law; as giving the* Company *the Sole Trade to the* Indies.

III. *That the Intended* Charter *of Reſtauration contains Clauſes and Powers repugnant to the Laws of the Land.*

The Reſpondents Humbly Crave Leave to Repreſent to *Your Majeſty*, That though it ſhould fall out in ſtrictneſs of *Law*, that their former *Charters* ſhould be Avoided for that Neglect or Omiſſion, in not paying the firſt quarterly-payment at the preciſe day limited for the Payment; Yet the Reſpondents Humbly Hope, *Your Majeſty* will not be pleaſed to ſuffer that Advantage to be taken againſt them: ſince the full intent and meaning of the *Parliament* hath been performed by the actual Payment of the Money in a few days after *the preciſe day*; which prefixed Time of Payment, by reaſon the Act came not forth in Print 'till that very day, was not certainly known to the Reſpondents, 'till that very day (being *Lady-day*) upon which by Antient Uſage *Your Majeſties* Recepit of the *Exchequer* hath not been open.--- However, they ſo far proceeded to Comply with *the Letter of the Law*, as to Provide the Money ready to Pay it, had the Officers of the Receipt been there to Receive it: and the ſame, as alſo another ſubſequent Payment hath been Anſwered and Paid to *Your Majeſty*. So that if the Reſpondents have Failed in any Punctilio, according to *the ſtrictneſs and nicety of Law*, in not Paying it in upon the firſt preciſe Day; yet the Reſpondents humbly conceive, the *Parliament* added *the*

For-

Forfeiture of Charters, as a Penalty only to Oblige the Payment of the Money, and with no other Intention; and have added no Diſability to have them reſtored by Charter. And it is *an Inherent Right in the Crown*, either to Create or Reſtore Corporations; and Relief in *Weſtminſter-Hall* is daily given againſt Forfeitures for Non-payment of Money, or Rent, at the Day; whereby Leaſes, Eſtates, and Bonds become Forfeited, and New Eſtates and Leaſes decreed to be made. And *Your Majeſty* is Your Own *Chancellour*, in this Caſe; for could the Ordinary Court Reſtore a *Corporation*, it might, and would certainly be done there; but that being a Flower of the *Crown*, can only be done by *Your Majeſty*, and with Submiſſion; ſtands upon the ſame *Natural Equity and Juſtice*, as Relief againſt any other *Forfeitures of Eſtates* do, nor doth the Avoidance ariſing by Non-performance of a matter Enjoined by *Parliament*, alter or leſſen the Right of the *Prerogative* in Making or *Reſtoring Corporations*, nothing being againſt it in *the Act*.

As to the 2*d*. point, Wherein the *Petitioners* deny Your *Majeſties* Power to grant *the ſole Trade to the Eaſt-Indies* to a *Company*, That *power* is ſufficiently *juſtified* by the long and antient *Practiſe* in making of *Companyes*, and granting them the ſole Trade to ſeveral *places*, as in particular to the *Hamborough*, the *Eaſt-land*, the *Turkey* Company and others, who all derive and enjoy the power of ſuch Trade, under and by Vertue of *Royal Charters* only; and there is ſomething more of reaſon for the *Interpoſition* and *Exerciſe* of the *Royal Prerogative* in the *Eaſt-Indies*, which are inhabited by *Infidels*, that by the Laws of the Land are accounted *perpetual Enemies*, than in other places not *Infidel*, and the *Crown* hath been in Poſſeſſion of this *Prerogative* as to the *Eaſt-India* Trade, in and ever ſince the Reign of Queen *Elizabeth* (when it was Diſcovered firſt in *England*) without Interruption, till of late invaded by ſome bold *Interlopers*, under the name of *Free-Traders*. Notwithſtanding the *Petitioners* have and do vainly pretend that Trade is and ought to be *Free to all Your Majeſties Subjects*, by force (as they alledge) of ſome Antient *Acts of Parliament*, which (for want of a right Apprehenſion and Underſtanding,) they miſapply to this purpoſe. And upon the Conſideration of them and of what elſe could be objected againſt *this Royal Power*, **a ſolemn Judgment of your Majeſties Supreme Court of Juſtice in** Weſtminſter-Hall **hath paſt, and remains in force, in affirmance of this Your Majeſties undoubted Prerogative.**

As to the Third Objection that *the Charter of Reſtoration and Confirmation* prepared, contains Clauſes and powers *repugnant to the Laws of the Land*. The Reſpondents are adviſed, and humbly

Inſiſt, that by that *Charter* the *Company* will be reſtored to nothing but what they lawfully held and enjoyed before the alledged avoidance of their Charter, and that by this reſtitution they are not, nor can be preſumed to be reſtored unto, or to have any thing confirmed unto them, *but what is Legal, and warranted by the Laws of the Land*, the Words being tied up and reſtrained to what is Legal only, ſo that if there were any *in their former Charters* not warranted by Law, they cannot by Vertue of this *Charter* make any Pretence to it, nor put it in Execution, ſo that there can be no reaſonable Objection againſt *this Charter*, which reſtores to *the Company* only *what is lawful, and hath been lawfully enjoyed by them*, and when ſuch Charter is granted, and the Companies Antient Right reſtored, they ſhall be ready to Aſſert Your Majeſties and their Right thereby, *in a due and legal Courſe* as occaſion ſhall offer.

In Anſwer to the Petition of the Clothiers and Woollen Manufacturers.

The *Reſpondents* Humbly ſay, That in the years 1689, 1690. by reaſon of Your Majeſties Occaſions they could not be permitted to ſend out more than 4 Ships, and therefore could not Export ſo large a quantity of the Manufacture of this Kingdom as otherwiſe they would, but having liberty for a greater quantity of Shipping, in the 2 laſt years they exported to *India* on their Tonnage to the Value of about 100000 *l. in Cloth and other Goods of the Product of this Kingdom*, and they do farther humbly aſſure Your Majeſty that they will ſend out this year upwards of 100000 *l. of Woollen Cloth and other Goods of the Growth, Product and Manufacture of this Kingdom*, purſuant to the late Votes of *the Honourable Houſe of Commons*, if they may obtain a ſufficient Number of Shipping.

In Anſwer to the Petition *of the* Linnen Drapers *and others, Trading in* Eaſt-India *Goods.*

The Reſpondents humbly ſay, that the ſmall number of Shipping ſent out in the Years 1689 and 1690 for want of *Leave* and *Protection* for their Men, and the late unhappy loſs of the *Shrewsbury* and *Orange*, both caſt away homeward bound, and the *Herbert*, unfortunately blown up in Fight with Six *French* Men of War in *India*, theſe are the reaſons of *the preſent Scarcity of* Eaſt-India *Commodities*, but this will be remedied by *the Two Ships* now arrived, *Five* more this year expected, and *Nine* the next, (God ſending them ſafe) which will furniſh *the Markets* with ſufficient quantities of all

all ſorts of *Indian Goods*, and with *Salt-Peter* for the ſupply of *Your Majeſties* Occaſions.

As to the Petition relating to the Five Ships and 400 *men.*

The Reſpondents conceive them to be deſigned to gain countenance from *Your Majeſty*, That the Petitioners may by *Your Majeſties* Allowance to ſuch *a Private and Licentious Trade* as is deſired, *Invade and leſſen Your Majeſties Royal Prerogative* of Reſtoring the Company and Granting that Trade as by Law Your Majeſty may, and Your Royal Predeceſſours have done, and therefore humbly hope no ſuch Allowance ſhall be granted to them, but that *Your Majeſty* will be graciouſly pleaſed to give ſpeedy and effectual Order for the Paſſing of the Charter now lying before *Your Majeſty*.

Eaſt-India Houſe
Septemb. 7. 1693.

Signed by Order of the Governour and Company

Rob. Blackbourne, Sec.

And it was thereupon Ordered that the Parties concerned might have *Copyes thereof*, and that they ſhould be heard the next Council day, as may appear by the Order following.

At the Court at *White-Hall*, the 7*th.* *September* 1693.
By the Right Honourable the Lords of *Their Majeſties* Privy Council.

UPON Reading the Anſwer of the Eaſt-India Company, *to the ſeveral Petitions read at this Board on the* 17th. *and* 31th. *of the laſt Month againſt paſſing their* Charter, *it is this day* Ordered in Council, *that this buſineſs be, and it is hereby appointed to be heard* at this Board *on Thurſday next, and that the Parties concerned have Notice hereof, and give their attendance accordingly, and that in the mean time* Copies of all Papers *relating hereunto be given to ſuch as ſhall deſire the ſame.*

Rich. Colinge.

The Merchants who oppoſed *the Eaſt-India Companys* Grant, attended, and preſented *a Petition* on the 7 of *September*, praying that ſome perſons *might Sign that Paper*, delivered to Her Majeſty, called the *Eaſt-India* Companies Anſwer, becauſe in effect it was no bodies, — And they were apprehenſive that their *Reply* thereunto, as the Companies Anſwer, might ſeem to admit them to be a Company ſubſiſting, whereas *their Charters being void*, there was really no ſuch thing in being, which Petition follows, *viz.*

To the Queens Moſt Excellent Majeſty:

The Humble Petition of ſeveral Merchants in and about the City of London, *on the behalf of themſelves and others.*

Sheweth,

THat *whereas a Paper was delivered to the Lords of* Your Majeſties moſt Honourable Privy Council *on the* 7th *September inſtant, intituled* The Humble Anſwer of the Governour and Company of Merchants of *London*, Trading into the Eaſt-Indies, *&c. and the Petitioners being thereupon Ordered to attend* Your Majeſty *in Council this day*, They do *humbly lay before* Your Majeſty, *that as the ſaid Paper contains ſeveral points* of a various and comprehenſive Nature, *which concern* Your Majeſties Royal Prerogative, *as well as* the Rights and Properties of all the People of *England*, *and which being matters of* the higheſt conſequence *that can come into Debate*, the Petitioners Reply *thereunto will require* the greater conſideration, *that ſo* according to their Duty *they may endeavour* to give Your Majeſty entire ſatisfaction therein, *which they cannot be prepared to do in ſo ſhort a time.*

And foraſmuch as the Petitioners do humbly conceive, and are adviſed by their Council *that* there is no *Eaſt-India Company* in being at this time, *the Charters of the late Company* being Void, *the ſaid Paper is in fact* the Anſwer of no body, *and conſequently* no one perſon liable, *either to own or juſtify the contents thereof.*

The Petitioners therefore humbly pray, that in conſideration of the Premiſſes *Your Majeſty would be graciouſly pleaſed to Order that the Petitioners may have* 14 days longer time, *and that in the interim, thoſe*

thoſe who are concerned in the ſaid Paper, may be required to Sign the ſame, *that ſo* ſome perſons may be liable *to juſtify its contents, and that the Petitioners* by replying *thereunto* (*as it now lyes before Your Majeſty*) may not be drawn to admit *them to be a Company ſubſiſting*, who are Diſſolved and Extinct.

And Your Petitioners ſhall ever Pray, *&c*

Her Majeſty was not pleaſed to Order that the Anſwer ſhould be Signed, but Granted them one Weeks time longer. See the Order following, *Viz.*

At the COURT at White-Hall: *The* 14*th. of* September, 1693.

Preſent,

The *QUEENS* Moſt Excellent Majeſty, in COUNCIL.

IT *is this day Ordered by* Her Majeſty *in Council, That the* Buſineſs *concerning the* Paſſing of a Charter *to the* Eaſt-India *Company be, and it is hereby appointed to be* Heard *at this* Board *on* Thurſday *next*, Peremptorily, *and without any farther* Delay, *or admitting of any* Excuſe *whatſoever. Of which as well the ſaid* Company, *as the* Petitioners, *who have preferred* Petitions *againſt paſſing of the ſaid* Charter, *and all others* concerned, *are to take Notice, that they may give their Attendance accordingly.*

Rich. Colinge.

The 21*ſt* of *September*, according to the *Order of Council*, all Parties attended, and the Merchants who oppoſed the *Late Companies Charter*, gave this following *Reply* to the *Companies Anſwer*, Viz.

To

To the Queens Moſt Excellent Majeſty.

The Humble Reply *of ſeveral Merchants and others (who* Petitioned Your Majeſty in Council *on the* 17 *and* 31 *of Auguſt laſt) to the Anſwer of* certain perſons Stiling themſelves *the Governour and Company of Merchants of* London *Trading into the* Eaſt-Indies.

THE *Petitioners, by reaſon of* the preſent War, *did Humbly Beſeech* Your Majeſties *Protection for* 400 *Seamen, to go in Five Ships to the* Eaſt-Indies, *in humble confidence of* Your Majeſties *Granting the ſame: for that, (as the Petitioners are adviſed)* that Trade is Free, by the Laws of this Land, to all the Subjects of England. *In which they find themſelves Obſtructed by thoſe, who being but* private Perſons, *are in the ſame Condition with the reſt of* Your Majeſties *Subjects; and yet do aſſume to themſelves* the Name and Power of a Corporation, *tho' they are actually* Diſſolved by Act of Parliament; *which is* the higheſt Judgment *can be given againſt them. And yet thoſe very Perſons who now Oppoſe the Petitioners, in obtaining Protection for* 400 *Seamen, have themſelves Petitioned for Protection for* 1200 *Seamen; and have alſo* preſſed Your Majeſty, *to have this Trade* granted ſolely to them, and to reſtrain the Petitioners and all other *Your Majeſties* Subjects, *from the Lawful Exerciſe thereof; tho'* ſuch Reſtraints are not warrantable by Law.

As to the Allegation *made by the Reſpondents, That* the Queſtion now is, *Whether the Petitioners ſhall have Liberty to Trade in* a Joint-Stock, *or otherwiſe.*

The Petitioners humbly Reply, *That that is* no part of the Queſtion; *in regard the matter in diſpute is,* Whether all *Your Majeſties* Subjects have not an Equal Right to that Trade; and Whether they can be Legally Excluded from the ſame but by an Act of Parliament? *And becauſe the Reſpondents have inſinuated,* in their own Commendation, *That they have Managed that Trade* to the

the Honour of the Nation: *The Petitionors do averr, and are ready to prove, That* **their Unjuſt and Unwarrantable Actions, have been ſuch as have tended to the Scandal of our Religion, to the Diſhonour of the Crown and Nation, the Reproach of our Laws, the Oppreſſion of the People, and the Loſs of the Trade it ſelf:** *For ſome of which*, they and their Agents have been juſtly Cenſured in Parliament. —— *But to follow the Reſpondents in their own Method.*

As to the Petition, *relating to the* Charter *now lying before* Your Majeſty.

The Petitioners in all humility Reply, *That the Reſpondents have endeavoured* to Evade the main Scope thereof; *which was not (as they inſinuate) only to ſuſpend the Paſſing of the* Charter, *but* that the Petitioners Right to the Freedom of that Trade might be determined by a due courſe of Law: *In order to which, the Petitioners offered to Join* in a ſpeedy Trial, *which would ſettle this matter; and the Reſpondents avoiding it*, plainly argues their own Conviction, *that* the Law is againſt them; *which makes them decline that Method of a* Legal Determination, *by which the common Rights of all Men are, and ought to be decided: and therefore endeavour to draw it into queſtion before* Your Majeſty *in Council*; where they themſelves know it cannot be determined. *But the Petitioners, in humble Confidence of* Your Majeſties Juſtice, *hope that* Your Majeſty *will not deprive them and the reſt of* Your Majeſties *Subjects of their Right thereunto: For that the Petitioners are adviſed*, That not only the Executing ſuch Prohibitory Powers, but even the very Obtaining them, are criminal, and puniſhable by Law.

As to the Firſt *of the Eight Points inſiſted on by the Reſpondents, viz.* The Nature of the Avoidance of their Charters, *by Act of Parliament*, &c.

The Petitioners humbly Reply, *That the deſired Charter is not ſo properly* a Reſtauration *of the Late Company, as* a New Creation; *and that* a Corporation, *when once Void (as in the preſent Caſe) cannot be Reſtored by a Charter of Reſtauration; but muſt be done either by* an Act of Parliament, *or* a Charter of New Creation,—— *and ſo is the Scope of the Grant now deſired. And as to the Reſpondents Pretence, That the Intention of the Parliament was not to Diſſolve them:* 'Tis moſt evident, *That the* Parliament *did Intend, that their Failure of Payment at the day, ſhould Determin their* Charter; for that the time

time of Payment is made peremptory and penal, *by the words and meaning of the ſaid Act*; *and no* Averment, *in any caſe*, ought to be Received out of Parliament, to Conſtrue an Act of Parliament, contrary to the expreſs Letter of it; **eſpecially**, where the Parliament who made the Act is in being, and like to be ſo ſoon Aſſembled again. *But the* induſtrious and eager Application *of the Reſpondents, for a Charter to Paſs*, when the Seſſion is ſo very near; *plainly ſhews, they are convinced, That the* Parliament *had no ſuch Intention, whatever they may pretend: For*, the Houſe of Commons was ſo far from diſcovering the leaſt Intention to continue them, when they were a Company; *much leſs to Reſtore them, now they are not*; that they have twice ſolemnly Addreſſed to *His Majeſty*, to Diſſolve them: *and in the whole time that this matter was depending before them*, 'tis obſervable, they did not make any the leaſt ſtep which tended to their Continuance. —— *Moreover, the reſtleſs Importunity of the Reſpondents for a Charter at this time, is* the more unſeaſonable: *in regard* His Majeſty *declared*, in His Meſſage to the Houſe of Commons *the laſt Seſſion*, **That the Diſſolving the Late Company**, *and conſtituting* a New one, **tho' neceſſary to preſerve this Trade, could not be perfected by His own Authority alone, without the concurrence of the Parliament, to make it compleat and uſeful.** *And for that reaſon having commanded all the Proceedings in that matter to be laid before them*, His Majeſty referred it to their Settlement; *who being prevented by the Companies great Oppoſition*, Addreſſed to the King the laſt Seſſion, to Determin the Charter; **reſerving the Settlement of that Trade to themſelves**, as *His Majeſty* had graciouſly Referred it: *And this* zealous Application *of the Reſpondents, for a Charter to paſs* ſo nigh the Seſſion, can be no other than a Deſign in them, to take the Settlement of that Trade out of thoſe very hands, to which *His Majeſty* did ſo expreſly commit it. *Therefore it ſeems a great failure in the Reſpondents, of that Duty they owe to* Your Majeſty, To preſs ſo earneſtly *the Paſſing a Charter*; in direct oppoſition to the declared Sence, and repeated deſires of the Commons in Parliament, *ſo nigh the time of their Meeting.*

As to the Reſpondents pretence of Equity, *in caſe of Penalties and Forfeitures*, —— the Petitioners humbly Reply; *That tho' there can be* no Equity againſt the penalty of an Act of Parliament; *yet the forfeited Eſtate of the Late Company being now* Your Majeſties, *may be Reſtored to them at* Your Majeſties *pleaſure*, without any ſuch Charter as is deſired; *if* Your Majeſty *ſhall think fit ſo far to remit the Forfeiture*; *which, with humble ſubmiſſion, is all*

the

the equity they can pretend to. -- And if *their Eſtate be ſo valuable*, as they alledge it is, Your Majeſties *Remitting their Forfeiture as to that, will be* ſo great a Grace and Bounty toward them, *that they will* have no reaſon to urge the Payment of their Tax, *as an Argument for a New Charter*; or any ways to regret the Payment thereof. ——— *And becauſe the Reſpondents have endeavoured to excuſe their Non-payment, alledging*, the Exchequer was ſhut; and that their Money was ready, had the Officers been there to Receive it. *The Petitioners* cannot but Obſerve, *That* all their other Allegations *are made* the leſs creditable, by the inſincerity of this. *For when this Matter was referred by* Your Majeſty *to be Examined, it did plainly appear by the Teſtimony of ſome of* the Principal Officers *in the Receipt of* Your Majeſties *Exchequer*; *taken in the preſence of ſeveral of* the Reſpondents themſelves, *and afterwards confirmed by the Affidavits of ſeveral of the* Under-officers, *now ready to be produced:* That the Office-doors were open on the 25*th* of *March* laſt, during the uſual Hours; that the Officers were attending in their Places, that Publick Buſineſs was diſpatched, and that the Reſpondents Money would have been Received, if it had been Tendred: *Which Miſrepreſentation of this Matter to* Your Majeſty, *is* a great Preſumption *in the Reſpondents.* Beſides, *their* eager preſſing for a New Charter, *is a ſufficient Argument of* their Self-conviction, *That their Money was neither Paid nor Tendred at the time appointed*; *and conſequently*, That their Charters are Void.

As to the Second Allegation *in the ſaid Anſwer, wherein the Reſpondents charge the Petitioners to inſiſt*; *That ſuch Reſtitution, and* Grant of the Sole Trade, *is* againſt Law; *and do aſſert* the Power of the Prerogative, in Granting a Sole Trade to ſome, with Excluſion to others.

Foraſmuch *as the Reſpondents do urge* the Power of the Prerogative, to Obſtruct *the Petitioners in the Exerciſe of* their Lawful *Trade*; *the Petitioners humbly beg* Your Majeſties Grace and Favour, *to permit them* to ſtand upon the Law, in the Juſt Defence of their Right thereunto. *And tho' the Reſpondents endeavour to Juſtifie, under* the Prerogative, *the Lawfulneſs of ſuch a Grant*; *yet they have not quoted* any Legal Authorities *for it*; *nor any Practice more Antient than in the Reign of Queen* Elizabeth, *when* the Firſt *Eaſt-India* Charter *was Granted*; *which was only for Fifteen Years, (as was uſual in caſe of a New Invention,) but could give it* no Legal Authority, *if it were* in it ſelf Illegal: *ſeeing many things formerly*

done of that kind, have been afterwards queſtioned, and adjudged Illegal in Parliament. *But the Petitioners are ſo well aſſured of Your Majeſties* Juſtice, *that the Example of none of* Your Royal Predeceſſors *can be any Argument to* Your Majeſty, *for the* Paſſing any Grant, except it be Legal. *And though ſuch Prohibiting Patents were firſt Granted toward the latter end of* that *Queens* Reign, *yet when the miſchievous conſequences of them came to be taken notice of,* a very ſevere Law *was made in the very next Reign, againſt all ſuch Prohibitions, called,* the Statute of Monopolies; *which did but* aſſert and declare, *that which was before* **the Ancient and Common Law of the Land**; the Benefit of which Common Law, *the Petitioners humbly Claim* **as their undoubted Right**: *by virtue whereof, all* Your Majeſties Subjects are *(as they are adviſed)* equally entituled to the Freedom of Foreign Trade; *and humbly conceive,* cannot be reſtrained from it, by colour of any Grant from the Crown: *Which Liberty of Trade hath been alſo aſſerted and confirmed* **by Magna Charta**, and many other Statutes. —— *And becauſe the Reſpondents,* by way of Reflection, *have alledged, That the ſaid Statutes have been miſunderſtood and miſapplied by the Petitioners. They therefore* crave leave to annex hereunto, *not only an Abſtract of divers of* the ſaid Statutes, *but alſo of* ſome few *of thoſe* numerous Authorities of Common Law, *whereby the Liberty of ſuch Trade is Aſſerted. All which they Humbly Offer to* Your Majeſties *Conſideration.*

As to the Pretence *of the Unlawfulneſs of Trading with Infidels: the Petitioners think it ſo mean, that it ſcarce deſerves an Anſwer;* being a meer *Chimæra* of Popiſh Original, *without any other Foundation. However, they crave leave to Affirm, That* no Law of England *makes it Criminal to Buy Goods* of a Jew, *or to Sell them* to a Pagan; *and by their being permitted* to inhabit among us, *we daily Converſe and Trade with them, and they with us.* —— *But ſuppoſing ſuch Trade were* Criminal by Law, *as the Reſpondents inſinuate, (tho' it is not) yet the Charter they deſire muſt be Illegal; in that it would amount to* a Diſpenſing with the Common Law; *which is* againſt the Bill of Rights, and the true Conſtitution of the *Engliſh* Government. *But* the preſumption *of the Reſpondents is very remarkable in this, That they have ventured to Cite for* an Authority of Law, *that which they ſtyle* the Solemn Judgment in *Weſtminſter*-Hall; *which never had* **any Credit** *among* the Learned in that Profeſſion. —— *And therefore,* to quote the Judgment only of thoſe Perſons for Law, *who have been* ſo far Cenſured in Parliament, *as to be Excepted out of* the Laſt Act of Indemnity, *for the* open perverting and violating thereof; *is ſo far from being an Argu-*

Argument for the Legality of their Patent, *that (with humble ſubmiſſion) it is really and truly* a Great Argument *againſt it: And the Reſpondents Petitioning* the Houſe of Commons, *ſeveral times, ſince* that Unwarrantable Judgment, *to have* this Trade reſtrained to themſelves by Act of Parliament: *plainly ſhews*, They were convinced, *That neither* that Judgment, *nor* their Charter, were ſufficient to Reſtrain that Trade, without an Act of Parliament.

As to the Third Point *in the ſaid Anſwer, concerning the Clauſes and Powers in the deſired Charter, which* are repugnant to the Laws of the Land; *and the Reſpondents Pretence, That no ſuch Powers will be Reſtored by the ſaid Charter; becauſe, by a particular Clauſe therein*, thoſe Powers only are Reſtored, which the Late Company have or may Lawfully Uſe or Enjoy, —— *and no other.*

The Petitioners do humbly Reply, *That the ſaid Anſwer, as well as the ſaid Clauſe it ſelf*, are both Evaſive and Equivocal: *For that in the Charter which the Reſpondents deſire, it is recited, That the King is willing they ſhould Enjoy* all ſuch and the like Lawful Powers, *as if their firſt quarterly Payment had been duely made: From whence it muſt naturally be inferred*, All the Powers in their former Charters are Reſtored, *and may be Executed*, without diſtinction of their being any of them Illegal. —— *Which is ſo far from implying any of them* not to be Lawful, *that in common Underſtanding, it rather Aſſerts them* All to be ſo. —— *And, the deſired Charter further* Reſtores and Confirms all thoſe Powers which were or might be Lawfully held and enjoyed *by the Late Company*, by virtue of any former Charters; *as fully*, as if the ſaid Powers and Charters were at large recited. *From which the Petitioners crave leave* to Obſerve *to* Your Majeſty, *That the very Granting thoſe Powers, ſeems to imply them to be Lawful; in regard it ought not to be ſurmiſed*, That any thing ſhould be Granted by the Crown which is otherwiſe; *and thoſe to whom the Grant is to be made, are thereby encouraged* to think them Lawful, and to Execute them as ſuch, *without any ſcruple.* —— Beſides, *the Powers in their former Charters being promiſcuouſly Reſtored*, without diſtinguiſhing the Lawful from the Unlawful: *The deſired Charter, as it is drawn, hath left it not only to the Late Company themſelves*, but to their Agents and Factors; nay even to their very Servants and Mariners *in* India, *to determin which of the ſaid Powers may, and which may not be Lawfully uſed:* which is in effect, *to Reſtore them all the Powers* they think to be Lawful;

and ſo all thoſe Powers will be Lawful to them, which they take to be ſo: *ſince the Charter hath not diſtinguiſhed, but left it to them to judge, who are ſo* incompetent Judges. —— And *'tis eaſie to be conjectured*, what Interpretation *they are like to make of the Lawfulneſs of thoſe Powers when Reſtored*; by Obſerving *how they formerly underſtood and uſed them.* —— For they ſeized the Perſons, ſwallowed up the Eſtates, and embrewed themſelves in the Blood of their Fellow-Subjects. *And all this*, notwithſtanding it was Unlawful, *was acted*, as if it had been Lawful, *by colour of their ſaid Charters*; without ſuffering any manner of Contradiction to their pretended Authority. *And tho' it may be rationally ſuppoſed*, thoſe Thirteen perſons who were Executed at St. *Helena*; —— *(whom the Parliament voted were Murthered) did object againſt the Unlawfulneſs of that Power whereby they were Tryed for their Lives*; yet they were Hanged 'till they were as certainly Dead, as if that Power had been Lawful: *So that the Exerciſe of ſuch dangerous Powers in Countries ſo diſtant, is not only* without Relief, *but in ſome caſes* without any poſſibility of Recompence *for the Injury*, (*the loſs of Life being irrecoverable.*) The Petitioners therefore *Humbly Offer it to* Your Majeſties *Conſideration*, *How far it may conſiſt with* Your Majeſties Juſtice, *or* the Safety of Your People, *to truſt the Reſpondents with* ſuch a dangerous Advantage *over the Lives, Liberties, and Properties of their Fellow-Subjects*; *by giving them a Grant of* ſo myſterious Powers, *under the obſcure denomination of ſuch as may be* Lawfully uſed: *eſpecially, when the ſame Perſons have already believed* all the Powers *in their old Charters* to be Lawful, *and have Executed them ſo Inhumanely, as aforeſaid.*

Wherefore *the Petitioners with all due ſubmiſſion to Your Majeſty, cannot but think themſelves the more concerned to oppoſe the deſired Charter in the very paſſing it, for that after it is once paſſed, the Petitioners ſome of whom have conſiderable Eſtates in the* Eaſt-Indies, *and alſo all the reſt of Your Majeſties Subjects, who being entituled to* the Freedom of that Trade, *ſhall exerciſe the ſame, have no way* to avoid the Execution *of the Dangerous Powers therein reſtored and contained, or* to ſecure their Lives, Liberties and Eſtates *in* India, *againſt the Violences which by colour of ſuch Powers may (as formerly) be there executed, in as much as thoſe Powers, being generally ſuch as are to be uſed in* Places remote, and out of the reach of the ordinary Juſtice of this Kingdom, *Your Majeſties Subjects can neither be able to prevent or reſiſt thoſe Violences* before they are committed, *nor to recover any Satisfaction or Redreſs for the ſame by any courſe of Law* after they have been committed, *of which the Reſpondents have given the Nation already* too many woful Expe-

riments,

riments, *though the Powers in their former Charters, were declared to be limited to ſuch only as were not repugnant to the Laws of this Land, and yet divers of them were notoriouſly illegal, and owned to be ſo, lately in* Your Majeſties *Preſence, even by the Reſpondents own Council.*

As to the Reſpondents Anſwer *concerning the Petitioners Requeſt for a* Protection *for* 400 *Sea-men to go in Five Ships to the* Eaſt-Indies.

Though the Reſpondents have inſinuated as if the Petitioners deſign to invade and leſſen Your Majeſties Prerogative *thereby.* — *The Petitioners in all Humility reply, That the Reſpondents make* a very forced and unnatural conſtruction *of that Your Petitioners humbly deſire,* for *no conſequence can be thence inferred of prejudicing any Right* Your Majeſty *hath, by indulging them in that their Requeſt.* And *the Petitioners humbly conceive they cannot be ſaid to diminiſh* Your Majeſties Prerogative *by deſiring only a* Protection *for Sea-Men* for the exerciſe of their lawful Trade, and Merchandize, *which tends to the promoting* the publick advantage of the Kingdom in general, and in particular the augmenting of Your Majeſties Revenue.

The Petitioners therefore *humbly offer it to Your Majeſties conſideration how far it may be thought fit* in this place *to determine* ſo great and National a Property, *of which* all the People of England *are now* in actual Poſſeſſion, *by paſſing any Charter to the contrary (whether it be put in execution or not) eſpecially ſo near the Seſſion of a Parliament who have had this matter* under their Debate *for Two ſeveral Seſſions's, and* in the laſt *by the particular Command and Recommendation* of the King Himſelf.

And therefore the Petitioners humbly Pray, that the ſettlement of this Trade may be left to the Parliament, *to whom His Majeſty hath already ſo expreſly Referred it by his Meſſage.* Or that *the Right of the Subject to that Trade may be determined* by a due Courſe of Law *before any farther Proceedings.*

And *in the mean time that the Petitioners may have* Your Majeſties Gracious Protection *for* 400 *Sea-men to Man Five Ships to the* Eaſt-Indies *this Seaſon, at whoſe Return* the Cuſtoms payable *to*

Your

Your Majeſty will not amount to leſs than 60000 l. *that ſo they may not be interrupted in that Trade, at this time when by reaſon of* the War the Trade for moſt other parts is in a manner wholly Obſtructed.

And Your Petitioners ſhall ever Pray, *&c.*

An Abſtract of ſome few (of thoſe Numerous) Authorities of *Common Law*, referred to, in the preceding *Reply*.

THE Lord Chief Juſtice Forteſcue, *in the Reign of King* Hen. 6. *was a Man not only of great Learning, but of remarkable Fidelity to the Crown, and a Friend to the Lawful* Prerogative; *and in his Book* de Laudibus Legum Angliæ, *cap.* 36. *he declares it Lawful for any man to Trade, and Store himſelf with any Wares and Merchandizes at his own pleaſure; and that every Inhabitant of* England, *by Law, enjoyeth all the Fruits of his Land, with all the Profits he gaineth by his own Labour,* by Sea or Land; *and is not to be hindred. And in* cap. 13. *That* the King *is made and ordained for the Defence of the Law, of His Subjects, and of their Bodies and Goods; and* cannot Govern them *by any other Law. And* Bracton, *lib.* 3. *fol.* 123. *ſays, That which is anothers, cannot be given away by the King. And* the Lord Cook, 8. Rep. *fol.* 92. *averrs, That which is ours, cannot be taken from us, and transferred to another, without our own act or defect. And* the Freedom of *Trade being as neceſſary to a man* as his Life, *the Law is ſo careful to preſerve it to him, that in many Caſes, the Law will not ſuffer him to be deprived of it, neither by his own act or defect.* 1. As to his Act: *If a man* give a Bond, Not to Uſe his Trade; *tho' it be his own wilful act,* yet the Bond is Void: *and ſo is* the Dyer's Caſe, *in* Hen. 4. *And if a man cannot Debarr himſelf of his Trade by his own act, the King cannot certainly debarr him.*-- 2. As to his Defect: *If he make Default in paying his Rent,* &c. *the* Tools of his Trade *are by the Law protected from a* Diſtreſs. *Which ſhews what care the Law took, to prevent no more than a meer temporary Obſtruction in a man's Trade: and therefore how much more will it ſecure him againſt the total Deprivation of it. And by*

Magna

Magna Charta, *cap.* 14. *An Amerciament muſt be ſo moderate, as to be* Salvo Contenemento; *and on a Merchant particularly,* Salvâ Merchandizâ. **Judge** Fitz-Herbert *in his* Natura Brevium, *fol.* 85. *declares, By* **the Common Law**, *every man may go out of the* Realm, *to Merchandize, or on Pilgrimage, or for what other cauſe he pleaſeth, without* the King's leave. *In* **the Lord** Cook's 3. *Inſtit.* fol. 181. *Trade is declared to be Free for all, and not to be converted* to the profit of a few; *and that 'tis unjuſt to permit ſome, and prohibit others: And in His* 11. Report, *fol.* 55. *in* the Taylor of Ipſwich *his Caſe; and in* Darcy and Allens *Caſe*, fol. 86. *it is expreſly declared, as the ground of the Reſolution* in both thoſe Caſes, *That,* **by the Common Law**, *no man can be Prohibited from his Trade. And in the* Report *of the firſt of thoſe Caſes, in* 1. Roll. fol. 4. *it was there ſolemnly declared, as to Foreign Trade in particular, That no Trade of Merchandize can be Reſtrained by Patent; and,* **That a Charter to hinder Trade at Sea, is Void.** *And* **the Lord** Cook *upon* **Mag. Char.** *fol.* 47, 57, *and* 58. *ſays, That all* Monopolies *concerning Trade, are againſt* **the Common Law**, *and divers* Statutes. —— *And many more Authorities there are to the ſame effect, too Numerous to be here inſerted.*

An ABSTRACT *of ſeveral Acts of* Parliament, *referred to in the preceding* Reply.

Magna Charta, *which was but a* Declaration *of what* **the Common Law** *was before, and hath been Confirmed by ſeveral* **Acts of Parliament** *ſince, — in the* 30th. *Chap.* Enacts, — **That all Merchants, if they were not openly prohibited before,** (which the Lord *Cook* ſaith can only be by Act of Parliament) **ſhall have their ſafe and ſure Conduct, to depart out of** England, **to come into** England, **to tarry in and go through** England **by Land and Water, to Buy and Sell, without any manner of evil Tolls, by the Old and Rightful Cuſtoms; except in time of War.**

Statute 2. *Edw.* 3. *chap.* 9. Enacts, —— **That all Merchant-Strangers and Privy,** *(which is Inland,)* **may go and come with their Merchandize into** England, **after the tenour of the Great Charter: and that Writs thereupon ſhall be ſent to all Sheriffs of** England; **and to Mayors and Bailiffs of good Towns, where need ſhall require.**

Stat. 9. *Edw.* 3. *chap.* 1. Enacts, —— **That all Merchants,** Strangers

Strangers and Denizens, and all others, and every of them, of what eſtate or condition ſoever, ſhall freely Buy and Sell their Merchandizes, from whence-ſoever they come, without Interruption, (*Enemies excepted*) notwithſtanding any Charters to the contrary; or Uſage, or Cuſtome, or Judgment given upon thoſe Charters; which are declared to be of no force, but to the King's Damage, and the Oppreſſion of the Commons.

Stat. 14. *Edw.* 3. *chap.* 2. Recites *Magna Charta*, and Enacts, —— That all Merchants, Denizens and Foreigners, (*except Enemies*) may without Let, ſafely come into the Realm with their Merchandize, and ſafely tarry and return.

Stat. 18. *Edw.* 3. *chap.* 3. Enacts, —— That the Sea ſhall be open to all manner of Merchants, to paſs with their Merchandize where they pleaſe: (*and if for all manner of Merchants, certainly for* Engliſh *ones.*)

Stat. 25. *Edw.* 3. *chap.* 2. Confirms the former of the 9*th. Edw.* 3. and Enacts, —— That if any Charters, Patents, Proclamations or Commandments, Uſage, Allowance, or Judgment be made to the contrary, they ſhall be openly Repealed and Void.

Stat. 38. *Edw.* 3. *chap.* 2. Eſtabliſhes the like Freedom for all Merchants, Aliens and Denizens, to Sell and Buy all manner of Merchandizes, and freely carry them out of the Realm, as in the Reign of that King's Progenitors. —— (Except that the *Engliſh* Merchants ſhall not paſs out of the Realm with Wool or Woolfels.) *Whence 'tis plain, they might Export any other Goods; and that even* ſo long ago, *this Freedom was then adjudged to be an* Ancient right.

The ſeveral Statutes *of* 2. *Ric.* 2. *chap.* 1. — *of* 5. *Ric.* 2. *chap.* 2. — *of* 11. *Ric.* 2. *chap.* 7. — *of* 16. *Ric.* 2. *chap.* 1. —— are all to the like purpoſe. — *And more particularly:*

Stat. 21. *Jac.* 1. *chap.* 3. *called* the Statute of Monopolies, *was made on purpoſe to deſtroy all manner of Pretences to ſuch Prohibitions and Reſtraints*, Enacting, (*as if it were deſigned to reach* this very Company,) That all Commiſſions, Grants, Charters, and Patents, made or to be made, for the ſole Buying, Selling, or Uſing any thing; and all Proclamations, Inhibitions, and Reſtraints whatſoever, tending to the Inſtituting, Erecting, Furthering, or Countenancing thereof, are altogether contrary to Law, and Void.--And that all Perſons, Bodies Politick and Corporate whatſoever, ſhall be diſabled and uncapable, to Uſe or Exerciſe any ſuch

such Grant, Charter, Patent, Inhibition, or Restraint.— *Which (with submission) is a direct* damning the now desired Charter, *in the most plain and positive Terms that Words can possibly express: For that it Restores those* Charters, *which Grant the Company* the Sole Trade to the *East-Indies, and* the Sole Buying and Selling *all the Commodities thereof.*

The Act of Tonnage *and* Poundage, *made in the 12th of* Char. 2. *(now since Revived) gives* the Crown *certain Rates and Duties upon Merchandize* Exported and Imported, *which in the* Preamble *thereof are expresly* declared to be given, to the end the Seas may be Guarded and Defended, and the Subject secured in the Intercourse of Trade, and for defraying the necessary Expences thereof; which could not be done without great Charge to the King. *Whereby 'tis apparent (as the Petitioners humbly conceive,) That the Subjects had ever Liberty to drive* any Foreign Trade; *and that they might without Restraint Export and Import any of the Goods rated in that Act, paying the Duties and Customs therein assessed.* ——— *And it would have been needless for the* Parliament, *to take* such care, *and give* such a vast Revenue *for Guarding the Seas, to encourage and secure the people* in their Trade; *if the* Prerogative *could Prohibit their Trade, and keep them at home.* ——— *And it is also apparent from* the said Statute, *That no Duties could be laid on Merchandize, otherwise than* by assent in Parliament. *Therefore, if the King by His Own Authority cannot lay the Duty of a Penny upon the Trade of his Subjects; it naturally follows, He can much less deprive them of* the whole Trade it self.

The Benefit of which Common Law and Statutes, and all other Laws and Statutes, of this *Realm*, made for Securing to the People *the Liberty of Foreign Trade*, the Petitioners humbly claim, as *Their undoubted Right.*

The *Linnen-Drapers* gave in likewise the same day this *Reply* to such part of the Companyes Answer as related to their Petition, *Viz.*

Strangers and Denizens, and all others, and every of them, of what eſtate or condition ſoever, ſhall freely Buy and Sell their Merchandizes, from whence-ſoever they come, without Interruption, (*Enemies excepted*) notwithſtanding any Charters to the contrary; or Uſage, or Cuſtome, or Judgment given upon thoſe Charters; which are declared to be of no force, but to the King's Damage, and the Oppreſſion of the Commons.

Stat. 14. *Edw.* 3. *chap.* 2. Recites *Magna Charta*, and Enacts, —— That all Merchants, Denizens and Foreigners, (*except Enemies*) may without Let, ſafely come into the Realm with their Merchandize, and ſafely tarry and return.

Stat. 18. *Edw.* 3. *chap.* 3. Enacts, —— That the Sea ſhall be open to all manner of Merchants, to paſs with their Merchandize where they pleaſe: (*and if for all manner of Merchants, certainly for* Engliſh *ones.*)

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The ſeveral Statutes *of* 2. *Ric.* 2. *chap.* 1. — *of* 5. *Ric.* 2. *chap.* 2. — *of* 11. *Ric.* 2. *chap.* 7. — *of* 16. *Ric.* 2. *chap.* 1. —— are all to the like purpoſe. — *And more particularly:*

Stat. 21. *Jac.* 1. *chap.* 3. *called* the Statute of Monopolies, *was made on purpoſe to deſtroy all manner of Pretences to ſuch Prohibitions and Reſtraints*, Enacting, (*as if it were deſigned to reach* this very Company,) That all Commiſſions, Grants, Charters, and Patents, made or to be made, for the ſole Buying, Selling, or Uſing any thing; and all Proclamations, Inhibitions, and Reſtraints whatſoever, tending to the Inſtituting, Erecting, Furthering, or Countenancing thereof, are altogether contrary to Law, and Void.--And that all Perſons, Bodies Politick and Corporate whatſoever, ſhall be diſabled and incapable, to Uſe or Exerciſe any ſuch

ſuch Grant, Charter, Patent, Inhibition, or Reſtraint.— *Which (with ſubmiſſion) is a direct* damning the now deſired Charter, *in the moſt plain and poſitive Terms that Words can poſſibly expreſs: For that it Reſtores thoſe* Charters, *which Grant the Company* the Sole Trade to the *Eaſt-Indies*, *and* the Sole Buying and Selling *all the Commodities thereof.*

The Act of Tonnage *and* Poundage, *made in the 12th of* Char. 2. *(now ſince Revived) gives* the Crown *certain Rates and Duties upon Merchandize* Exported and Imported, *which in the* Preamble *thereof are expreſly* declared to be given, **to the end the Seas may be Guarded and Defended, and the Subject ſecured in the Intercourſe of Trade, and for defraying the neceſſary Expences thereof; which could not be done without great Charge to the King.** *Whereby 'tis apparent (as the Petitioners humbly conceive,) That the Subjects had ever Liberty to drive* any Foreign Trade; *and that they might without Reſtraint Export and Import any of the Goods rated in that Act, paying the Duties and Cuſtoms therein aſſeſſed.* —— *And it would have been needleſs for the* Parliament, *to take* ſuch care, *and give* ſuch a vaſt Revenue *for Guarding the Seas, to encourage and ſecure the people* in their Trade; *if the* Prerogative *could Prohibit their Trade, and keep them at home.* —— *And it is alſo apparent from* **the ſaid Statute,** *That no Duties could be laid on Merchandize, otherwiſe than* by aſſent in Parliament. *Therefore, if the King by His Own Authority cannot lay the Duty of a Penny upon the Trade of his Subjects; it naturally follows, He can much leſs deprive them of* the whole Trade it ſelf.

The Benefit of which **Common Law** and **Statutes**, and all other **Laws** and **Statutes**, of this *Realm*, made for Securing to the People *the Liberty of Foreign Trade*, the Petitioners humbly claim, as *Their undoubted Right.*

The *Linnen-Drapers* gave in likewiſe the ſame day this *Reply* to ſuch part of the Companyes Anſwer as related to their Petition, *Viz.*

To the Queens Moſt Excellent Majeſty:

The Humble Reply of ſeveral Linnen-Drapers *and others, Trading in* Eaſt-India *Goods, to a Paper Intituled,* the Humble Anſwer of the Governour and Company of Merchants of *London,* Trading into the *Eaſt-Indies,* &c.

THE Petitioners *do Humbly* Reply *to ſo much of the ſaid Paper as concerns them, that thoſe Gentlemen* who call themſelves the Eaſt-India Company, *and delivered in that Paper to* Your Majeſty, *have ſo far* admitted the Truth of the Charge *in the Petition delivered by us, that* they do not go about to deny it, *but only* to excuſe themſelves *from the Cenſures which they juſtly deſerve* by caſting a falſe and unjuſt Imputation on Your Majeſty, *as if Your Majeſty, and not they* had occaſioned that Complaint, *whereas the contrary is ſo notoriouſly known that ſuch their Suggeſtions* only ſerve to ſhew Your Majeſty *the little regard they have* either of their Duty to Your Majeſty, or of the Truth it ſelf, *it being clearly evident that the Scarcity and Dearneſs of* Eaſt-India Goods *has not proceeded* from Your Majeſties Granting them no greater number of Ships *and Men to go to the* Eaſt-Indies *in the Years* 1689 *and* 1690 (*as they ſuggeſt*) *but* from their Want of Stock *both at Home and Abroad, and* by Engroſſing their Goods *which were* ſent home; *For they were permitted in* 1689 *and* 1690 *to ſend out* Seven Ships, *viz. The* Benjamin, Herbert, Chaundois, Orange, Dorothy, Tonqueen *and* William and Mary, *containing together near* 3000 Tuns.—— *But all the Stock they ſent upon them did not amount to* 27000 *l.* which was not enough to purchaſe a ſufficient Lading for one Ship; *So that what number of Ships ſoever they might pretend to ask for, its plain they had as many granted as they did really deſire,* and more than they wanted, *ſeeing they had* ſo little effects here *to ſend out, and* no more there *to bring home*; and if leave *had been given them* to ſend out more Ships, *they muſt either have ſent out* larger Effects, *or the Ships muſt have* remained there ſtill,

as

as three of thoſe now do which they then ſent out, and the Nation had been no better ſupplyed with East-India Goods *than now it is; For thoſe Gentlemen cannot pretend that Your Majeſty* hindred their ſending out more Stock on thoſe Ships, or that what Stock was ſent upon them was ſufficient to Lade them home, or that thoſe Ships could carry out no more, or that Your Majeſty hindred their ſending home thoſe Ships which they then ſent out. —— *But as its plain they had* no effects here *to ſend out, ſo they had* little or none there *to bring home.* —— For *at* Surratt *whither Three of thoſe Ships ſent out in* 1689 *and* 1690 *were Bound, containing about* 1400 *Tuns, they were ſo far from having* any effects, *that on the contrary, they were* vaſtly indebted there, *in ſo much that they were put to it* to Borrow Money, *even for their neceſſary Charge of Houſe-Keeping.*

Nor has the want *of* East-India *Goods been occaſioned (as they ſuggeſt) by the loſs of the* 3 *Ships mention'd in the ſaid Paper* —. *For the* Shrewsbury *one of them a Ship of* 350 *Tuns ſent out to* Surratt *in* 1688, *caſt away homeward bound, was above the* one half dead freighted, *and ſhe had not above* 100 *Bayls of Callicoes on Board her, moſt of which were of* the courſeſt ſort *that comes from thence, the greateſt part of her Lading being Cotton-Yarn and Cotton-Wool,* Commodities which fill much and coſt little, *which was no ſign of the want of more Ships* but was a great Sign of the want of more effects *to Lade on the Ships which they had. The* Herbert, *another of thoſe Ships about* 750 *Tuns ſent out in* 1689, *Bound for* Surratt, *was Burnt by the* French, *and had on Board her but* 10239 l. 1 s. 9 d. *including Ammunitions, Stores,* &c. *for* Bombay, *in which great part of her Cargo did conſiſt, whereas if all that Summ had been in Merchandizes or Money, that Ship would have required* ſix times as much to load her home, *and as they had not wherewith to load the* Shrewsbury *though not half her Burthen. So if the* Herbert *had arrived out, ſhe muſt either have remained there ſtill, or elſe have come home* the greateſt part empty, *ſeeing they have had two Ships at* Surat, *both of them together not her Burthen, and have been able in all this time* to load home but one, *and ſhe but* 170 *Tuns,* viz. *the* Diana, *being one of the two ſmall Ships now lately arrived---. The* Orange, *a Ship of* 300 *Tuns ſent out in* 1689, was caſt away *homeward bound, and as* ſhe carried out but 636 l. 7 s. 4 d. *for the Companies Account, ſo its known* by a fatal and ſad experience *to ſome Men, that* a great part of her Lading home was for private Accounts, *which is a plain demonſtration of the* bad Condition *of the Companies Affairs in the* East-Indies, *that they* had not wherewith *to lade ſo ſmall a Ship themſelves, or if they had, it ſhews them very ill*

managers for the reſt of the Adventurers to ſuffer private Men *to lade Goods on the Companies Ships, and to leave the Companies Money (if they had any there)* lying dead, *in a time when the* Eaſt-India *Goods were ſo much wanted in* England. *And beſides there were in* India *about* 1000 *Tuns more of* Engliſh *Shipping which the Company had formerly ſent out, and had Liberty to have Laded home, which they certainly would have done* if they had not wanted Money *there more than Ships.*

What we have already laid before Your Majeſty, we humbly conceive is ſufficient to Vindicate Your Majeſty *from their unjuſt imputation, and to ſatisfie* Your Majeſty *that neither of their pretences have been the cauſe of this ſcarcity and dearneſs of* Eaſt-India *Goods.*

Which therefore muſt have proceeded from their want of Stock both at Home and Abroad, and the Engroſſing their Goods which were ſent home.

1. *From their want of Stock both at home and abroad, they having Exhauſted their Stock through* the Charge of their War *with* the Mogull, *and the* over-large and frequent Dividends *which they made at the ſame time.*

For they made more frequent and large Dividends (*when by reaſon of their War and little Trade, the Profit could not anſwer their Charges)* than they had formerly made *when their Trade was moſt Flouriſhing; and in 5 Years,* viz. 1685, 1686, 1687, 1688, 1689. during their War *they Divided* 3 times their Original Stock *which was at firſt paid in, whereby it may* plainly appear to Your Majeſty *that they did not divide their Profit only* but their Stock it ſelf, *which is further apparent in as much as that* notwithſtanding *the ſmall Summs they had ſent out on their Ships (as has been already obſerved, and may appear even by their own Books, and by their Accounts given to the* Houſe of Commons *in* 1689 *and* 1691, *though they had above* 7500 *Tuns of their Shipping arrived in leſs than Two Years time,* yet by the Account *they laid before* the Parliament *in* Octob. 1691. *they pretended to have in* England *no more than* 38901 *l.* 8 *s.* 8 *d. including therein for their Ware-houſes and Buildings* 9920 *l. which account if it had been really true, was* a ſmall Stock for a Company *to have, who pretended to the Grant of* ſo large a Trade, *but that Account was Calculated by them ſo much* in their own favour, *that* Three times that Summ *would not be ſufficient to clear the Debts and Demands which they owed in* England, *and what other* miſtakes *were omitted to be inſerted in that Account.*

And here we humbly beg leave to obſerve to Your Majeſty *how little regard* thoſe Gentlemen have to what they Aſſert *either before* Your Majeſty *or the* Parliament, *for by the Account which they gave in to*

the

the Parliament *in* 1691. *they made their quick Stock in* India *amount to* 126281 l. *more than what they pretended to have there by their Account delivered in* 1689. *although between the time of* thoſe Accounts *they had ſent out but* 20211. 7s. 4d. *in Three Ships, and had about* Eight Thouſand Tuns *of Shipping come from thence, the coſt of which Ships Cargo (whatever they were) muſt be deducted out of the* Effects *which they had remaining in* India *in* 1689, *which ought to amount to a very large Summ ſeeing they computed in their Accounts laid before the* Parliament *in* 1691, *the Cargoes of Four of them only at* Three Hundred and Seventy Thouſand Pounds, *and therefore it* muſt naturally follow *that their Stock in* India *in* 1691, *muſt be vaſtly leſs than it was in* 1689, notwithſtanding *they would make it to be ſo much more as aforeſaid; By which* the inſincerity of thoſe Gentlemen *may appear to Your Majeſty, and* how little Dependance there is to be made on any thing they Aſſert. *And as it is Apparent they had* no Stock in England, *ſo neither could they have* any in India, *as may plainly appear by what has been already obſerved, and will be more fully demonſtrated by* the following Conſiderations.

1. Their ſending home *in a few years above* 2000 *Tuns of their Shipping from* India dead Freighted *for want of Lading.*

2. Their keeping ſo many Ships in *India ſo long a time as they have done when Goods were ſo much wanted in* England, *Three of thoſe Seven Ships which were ſent in* 1689 *and* 1690 *not being yet come back.*

3. The mean Cargoes ſent home *on their Ships which have not coſt in* India *one fourth part ſo much as ſuch Ships Cargoe were uſed to Coſt.*

4. Their taking up Money in *India on Bills of Exchange to load home their Ships, to be repaid here in* England, *which they would not have done if they had Money of their own lying dead.*

5. The Farming out that Trade, *by taking* Permiſſion Money *of others, to lade Goods out and home on their Ships at a time, when by reaſon of their ſcarcity and dearneſs they yielded here and abroad,* much greater profit *than ever was known, which could be for no other reaſon than* their want of Stock *to carry on the Trade themſelves.*

6. Their apparent and viſible low condition and Credit, *and the great Debts they owe at* Suratt, *inſomuch that their Factors there remain* confined to the Town, *and were not permitted to ſtir out of it,* without a Guard to watch them, *being kept there as* Hoſtages, *till they have complyed with the Terms of the* Peace *granted by the* Mogull, *by making the Natives Satisfaction for the Damages done*

done them in the War, *which though compounded for* at much leſs *than it really was, amounts ſtill to* a very conſiderable Summ, *and with their Old Debts* vaſtly exceeds what they have ſent out *thither; and they were ſo far from having any Stock there to manage a Trade, that their Factors were forced* to borrow Money for their daily ſuſtenance, *which we are ready to make appear for* Your Majeſties *farther ſatisfaction*, by perſons of undoubted Credit now preſent *before* Your Majeſty who came lately from thence, *and were Eye-Witneſſes of it.* Notwithſtanding *they pretended to* the Parliament *by their Account given them in* 1691, *That they had made full Satisfaction to the* Natives, *and* paid all they owed, *and that they had remaining in quick Stock at* Suratt *near* 200000 l. *after all their Debts and Demands were paid.*

2*ly.* From the Engroſſing their Goods, *which were ſent home. For the Leading Men of the Company* Sold to themſelves *the Goods which came home; being encouraged thereunto by the knowledge they had of* the Companies bad circumſtances, *and the Inability they were in to ſupply the Nation with* Eaſt-India Goods, *and thereby inhanſed the price of them* to ſuch extravagant Rates *that moſt ſorts of* India Commodities *are ſold at double, ſome trebble, and four times the prices they were uſually ſold for, whereby ſome of* the Ruling Members *have in a very ſhort time* greatly enriched themſelves, *to the prejudice of all the Traders in* Eaſt-India Goods, *the whole Nation, and* Your Majeſties Revenue.

And the manner of advancing the Prices of thoſe Goods has been ſo extraordinary, *that we humbly beg leave to repreſent the ſame to* Your Majeſty, *for after the Ruling Members had* ſold to themſelves the Companyes Goods, *they expoſed them* again to the Publick Sale, as if they had ſtill belonged to the Company, and then by Bidding themſelves for their own Goods, *which they had* Bought before by private Contract, and employing ſeveral others to do the like they have greatly advanced their Prices far above what they themſelves were to Pay for them; *and this is a method which was particularly practiſed in the* Salt-Peter, *thereby to enhance the Price on* Your Majeſty, *by repreſenting to* Your Majeſty *the high price it was ſold for by the* Companies Candle *to their* own Agents, *whereas it was they Bought for themſelves, and coſt them in reallity much leſs before* by private Contract, *and this Commodity by reaſon of its great ſcarcity is now ſold at* 8 l. per *Hundred Weight, which was uſed to be ſold for little more than one fourth part ſo much; and they are ſo far from having a quantity ſufficient to ſupply* Your Majeſties Occaſions *that they have ſcarce enough for the uſe of the* Dyers, Glaſs-makers, Refiners *and* Chymiſts.

And

And as they have thus endeavoured to deceive *Your Majesty*, *in Misrepresenting the Cause of this Scarcity and Dearness of* East-India Goods; *so we beg leave to shew* Your Majesty, *how they have endeavoured* to do the like *in the Remedy which they have proposed.*

For, *as to the two Ships now lately arrived*, viz. *the* Diana *and the* Dorothy, *they do not together contain above* 400 *Tunns*; *which are* all the *East-India* Goods *we are like to have this year. The* Diana, *a Ship of* 170 *Tunns*, *was sent out in* 1688, *with but* 1222 *l.* 14 *s. aboard her* for the Companies Account; *and has been detained* so long abroad, *that it's much to be wondred* she ever came home; *she proving so leaky*, *that most of her Goods are damnified*, *and many of them little worth*; *and was forced at last to come from thence* contrary to their Factors desire, *and without* their Dispatches.

The Dorothy, *a Ship of* 225 *Tunns*, *was sent out in* 1690, *and carried* for the Companies Account, *but* 165 *l. and though these two Ships now lately arrived are so small, and the Cost of their* Cargoes *so inconsiderable*, *and* East-India *Goods so scarce and dear*, *yet very great part of their Lading is* on Permission, for private Accounts: *And these two Ships* Cargoes *are all the* East-India *Goods which have arrived from thence these two years past*, *except the* Kempthorn, *a Ship of* 640 *Tunns*, *which was sent out in* 1688, *with but* 3027 *l.* 4 *s.* 5 *d. on board her*, for the Companies Account; *which did not arrive here 'till* November *last*, *though that Voiage is usually performed in* 20 *Months*: *And notwithstanding her long stay there*, *she had not come home so soon*, *if the Captain* had not protested against them, and threatned to come away empty: *And tho' above one half of the Cost of her* Cargo *was taken up there of their Factors themselves*, *by* Bills of Exchange, *to be Repay'd here in* London; *yet he was forced at last to come away* a great part dead-freighted, *and without their Dispatches*, *lest they should have detained him there*, as they had done several others before; *'till by the decay of their Ships*, *and death of their Seamen*, *they were quite disabled* ever to come home; thereby to save the Freight to the Company, *and* avoid the discredit of having them come home part laden, or empty.

The pretence *of five Ships expected this year*, *is* like the rest of their Assertions: *for they themselves know*, *it's very* improbable, *and next to* impossible, *that they should arrive*; *and therefore their Arrival will be an uncertain Supply of* Your Majesties *Occasions for Salt-peter this year.*

The nine Ships which they pretend to expect the next year, *is a thing* more impossible *than the other*; *for six of them*, *which should have gone out last Winter*, *were not dispatcht till this Summer was well* ad-

advanced; *and going out* ſo late, *they cannot poſſibly return 'till the year after next. And their late diſpatching theſe Ships, is a farther Argument more convincing, of* their want of Money, *both here and in* India; *for after they had determined them ſo long*, they could not diſpatch them at laſt, *'till they had called in* 50 *l.* per Cent. *of their Stock, being* 370000 l. *which is about* double the ſumm *which they have ſent out upon them*; *and was an artifice and contrivance* of the Governing men, *to perſwade the other Adventurers to pay in the ſame*; *that ſo they might thereby pay themſelves the Money which they had advanced: Whereas if they had any* Quick-Stock *in* India, *tho' far ſhort of the* 828860 l. 00 s. 5 d. *which they pretended to have there, by their Accounts delivered in Parliament in* 1691. *it would have been more than ſufficient to lade home all the Ships which they have ſent out theſe two years paſt*; *although they had ſent out nothing upon them*; *which* plainly ſhews, *they themſelves are* ſo far from believing their own Accounts to be true, that they know them to be falſe.

And here *we beg leave to Obſerve to* Your Majeſty, *That though they could not ſend out theſe ſix Ships laſt year, or rather this year,* without calling in 50 *per Cent.* of their Stock; *yet they had then aſkt leave of* Your Majeſty, *for* 12 *Ships, (as they had done in like manner the year before,) when likewiſe,* for want of Stock to lade them home, *they were forced to Farm out their Trade*, by giving leave to all that would, to ſend out any Effects upon them, ſo they were but marked with the Companies Mark, and they allowed the credit to Enter them out at the *Cuſtom-Houſe*, as their own Goods: *and liberty was given in like manner to all thoſe who had any Effects abroad in the* Eaſt-Indies, *to lade the ſame home on their Ships, in what Goods they pleaſed*; ſo as all the Goods which came home on their Ships were Entred by them at their Return, and Sold at their Sale, as the Companies Goods. *For they had deſigned to ſend out that year only the* Charles *the Second, Captain* Dorril, *a Ship of* 750 *Tunns, with* 100000 l. —— *on Permiſſion*, for Account of the Ruling Members. *But upon the Complaint made that year in* Parliament, *againſt their Miſmanagements*, they altered *their Reſolution, and ſent out the ſaid Ship and five others, for Account of the* Joint-Stock.

This, May it pleaſe *Your Majeſty, is a ſhort Relation of ſome of the late Companies Miſmanagements, which are* too well known, to be denied; *and from theſe cauſes the great* ſcarcity and dearneſs of *Eaſt-India Goods has proceeded*; *which has given occaſion to their* being Imported by ſtealth from *Holland: Whereby* Your Majeſties *Cuſtoms are* diminiſhed, *the Petitioners Trade almoſt* ruined, *and the whole Nation greatly* impoſed on, *by paying ſuch extravagant*

Rates

Rates for thoſe Commodities. Whereas, if all *Your Majeſties* Subjects *were permitted to Trade thither, as we are adviſed,* by Law *they may*; Eaſt-India *Goods would be* plentiful, *the Petitioners Trade* encouraged, *and* Your Majeſties *Cuſtoms greatly* increaſed.

The Petitioners therefore *Humbly Pray*, That *this intended Grant* may not be permitted to Paſs; *But that* all *Your Majeſties* Subjects *may enjoy the Liberty of that Trade*, for the Reaſons before mentioned. —— And if *thoſe Gentlemen* ſhould deny *the matters of Fact* herein contained, *the Petitioners are ready to make appear to* Your Majeſty *the Truth thereof*, when, and in ſuch manner, as *Your Majeſtie* ſhall think fit to appoint.

And Your Petitioners ſhall ever Pray, *&c.*

The Reading of the Merchants *Reply* having taken ſome time, *Her Majeſty* did not think fit the other ſhould be Read; and *the Drapers* were told, That They, or their *Counſel*, might ſpeak what they had to ſay. —— But they referred themſelves *to their Reply in writing*, not being prepared to ſpeak to it, nor having inſtructed any *Counſel* to do it for them.

A *Reply* was likewiſe intended to be delivered by the *Clothiers* of *Glouceſterſhire*, to ſuch part of the Companies *Anſwer* as concerned their *Petition*; but *the late Company*, or ſome for them, having promiſed they would Buy large quantities of Cloth, this Seaſon, *the Clothiers* were perſwaded not to proſecute their *Petition*: and *the Clothiers Reply*, which was intended to have been delivered, follows. *Viz.*

To the Queens Moſt Excellent Majeſty:

The Humble Reply *of the Clothiers and Woollen Manufacturers in the County of* Glouceſter, *to a Paper delivered in to Your Majeſty,* intituled, *The Humble Anſwer of the Governour and Company of Merchants of* London *Trading to the* Eaſt-Indies, *to ſeveral* Petitions *therein Mentioned.*

THE Petitioners *Humbly Reply*, That the Reſpondents in their Anſwer, would excuſe themſelves for not Exporting greater quantities of *Cloth*; by pretending, that *Your Majeſty* allowing them no more Ships in 1689 and 1690, was the reaſon of it; but the years 1691 and 1692, when *Your Majeſty* granted them more Shipping, they had Exported in each Year to the value of 100000 *l. in Cloth and other Goods of the product of* England; and that they will Export the like value this year, *in Woollen Cloth, and other Goods of the Growth, Product, and Manufacture of this Kingdom*; ſo as they may obtain a ſufficient Number of Shipping.

The Contrary whereof may appear to *Your Majeſty*, by what the Petitioners beg leave to Obſerve to *Your Majeſty*, as follows.

For the Petitioners find upon Enquiry, That they Exported in the year $16\frac{88}{89}$ but 243 and $\frac{1}{2}$ *Cloths.*

And in two years, *viz.* $16\frac{89}{90}$ and $16\frac{90}{91}$, they Exported no *Cloth* at all.

So that in thoſe three years, *viz.* $16\frac{88}{89}$, and $16\frac{89}{90}$, and $16\frac{90}{91}$, they Exported but $243\frac{1}{2}$ *Cloths.* Although in thoſe three years they ſent out *Ships*, containing *Tunns.*

Which ſhews plainly, It was not the Want of *Your Majeſties* Granting them more Ships, that hindred their Exporting greater quantities of *Cloth*; but *ſome other Reaſon*, *which they Conceal.*

In the year $16\frac{92}{93}$, they Exported 918 *Cloths.*

And in the year $16\frac{93}{94}$, they Exported but 546 *Cloths.*

And their not mentioning particularly the Quantities of *Cloth* which they Exported, *ſhews*, *they were Aſhamed* (as well they might)

in

it ſhould be known, they had Exported ſo ſmall quantities, to ſupply ſo large a Trade: Which is an Argument to enforce the Petitioners Prayer; That all *Your Majeſties* Subjects may have *the Liberty*, freely to Export *Cloth* thither: *And the rather*, for that the Petitioners find, there was 953 *Cloths* Exported in the two Ships which went to the *Eaſt-Indies* laſt year, *for Private Accounts:* which was near *three times as much Cloth* as the Company had Exported *for Three Years Trade*; Viz. in $16\frac{11}{89}$, and $16\frac{12}{90}$, and $16\frac{20}{91}$; and was ſo much more than would have been Exported, if thoſe Ships had not gone thither.

And as to the Pretence of their Exporting this Year the Value of 100000 l. *in Cloth, and other Goods of the Product of* England, if they may obtain a Sufficient Number of Shipping.

It will appear to be *of very little weight*, when it's conſidered, *how little Cloth* they have Exported thither *in their Four laſt Years Trade*; of which the whole Value doth not amount to above *One Fifth Part of the Sum*, which they pretend they will Export this Year; although *they had a Sufficient Number of Shipping* in thoſe Years. And the Petitioners have great Reaſon to Believe, and are ready to Prove, That all the other Merchandizes, *of the Growth and Manufacture of* England, which they Exported in thoſe years, *did not amount to more than the Cloth.*

And the Petitioners being certain, they could now Sell great quantities of *Cloth* to other Merchants *for the* Eaſt-Indies, *if a Liberty were allowed to all* Your Majeſties *Subjects, freely to Export it thither:* Do therefore Humbly Pray *Your Majeſty*, That *a Free Exportation of Cloth* for the *Eaſt-Indies* may be Allowed *to All Your Majeſties Subjects* at this time; for that the Exportation of the ſaid *Manufacture*, is in a manner *wholly Interrupted, by reaſon of the preſent Obſtruction of Trade for* Turkey *and the* Streights.

And Your Petitioners ſhall ever Pray, &c.

But the *Clothiers Reply* not being Delivered, the *Merchants* gave in to *Her Majeſty* in Council *the following Paper*, being *an Account of the Cloth which the late* Eaſt-India *Company* had Exported *in Five Years Trade*; which Account was taken from the *Cuſtom-Houſe* Books.

CLOTH Exported by the East-India *Company, in the Years* $16\frac{88}{89}$, $16\frac{89}{90}$, $16\frac{90}{91}$, $16\frac{91}{92}$, $16\frac{92}{93}$.

$16\frac{88}{89}$.	On the *Chaundois*, ... 54 Cloths.		
	On the *Benjamin*, . . . 178½ Cloths.	343½ Cloths.	
	On the *Herbert*, ... 111 Cloths.		
In $16\frac{89}{90}$ and $16\frac{90}{91}$, *None at all.*			
$16\frac{91}{92}$.	On the *Modena*, ... 900 Cloths.		
	On the *Charles* the 2d, . . 18 Cloths.	918 Cloths.	
$16\frac{92}{93}$.	On the Princeſs *Ann*, . 421¼ Cloths.		
	On the *Defence*, ... 144¼ Cloths.	565½ Cloths.	
		1827 Cloths.	

The ſame day, *Counſel* was heard again, on behalf of thoſe who entred the *Caveats*, to whom, Their Majeſties *Council*, and the *late Company* Reply'd.

A Petition was likewiſe delivered by *the Inhabitants of* Cornwal, which took up ſome debate; which Petition follows.

To the Queens Moſt Excellent Majeſty:

The Humble Petition of ſeveral Inhabitants *of the County of* Cornwal, *in behalf of themſelves and other the* Inhabitants *of the ſaid County.*

Sheweth,

THAT *His Late Majeſty* King Charles the Firſt *of Bleſſed Memory, did by his Letters Patents under the* Great Seal of England, *bearing date the 26th. of* January, *in the Nineteenth Year of his Reign, for the Conſiderations therein Expreſſed, Grant unto all and every* the Men and Inhabitants of the County of Cornwal *then being, or that hereafter ſhould be, that they and every of them, by themſelves and their Factors ſhould from thenceforth and forever have a Free Trade and Commerce* unto and from all Ports and Places whatſoever in Amity with the Crown of this Realm; *By vertue of which Grant the Petitioners humbly*

humbly conceive they have a Right to Trade to the East-Indies *as well as elsewhere.*

And whereas the Petitioners are informed that a Charter *is now under Your Majesties Consideration for Granting the* Sole Trade to the East-Indies *to Sir* Thomas Cook *and others* Exclusive *to all the rest of Your Majesties Subjects.*

The Petitioners therefore Humbly Pray Your Majesty, That the Rights and Priviledges *Granted by the said Letters Patents to the Inhabitants of the said County of* Cornwal, *may be preserved to them in the said intended Charter; or that the Petitioners may be heard thereupon before Your Majesty in Council.*

And Your Petitioners shall ever Pray, *&c.*

Whereupon the following Order to Refer it to *Mr. Attorny General* was made, *Viz.*

At the COURT *at* White-Hall:

The 21th of September, 1693.

Present,

The *QUEENS* Most Excellent Majesty,

in COUNCIL.

UPON *Reading the Annexed Petition of several Inhabitants of the County of* Cornwal, *in behalf of themselves and other the Inhabitants of the said County, Humbly Praying that the Rights and Priviledges Granted by Letters Patents of King* Charles *the First to the said Inhabitants, to have a Free Trade and Commerce* unto and from all Ports and Places whatsoever in Amity with the Crown of this Realm *may be preserved to them in the intended* Charter, *Granting* the Sole Trade to the East-Indies *to* Sir Thomas Cook *and others. It is this day* Ordered by Her Majesty *in Council, That it be, and it is hereby*

hereby Referred to Mr. Attorny General, *to examine the Petitioners Allegations: And to Report to* Her Majesty *in Council, how he finds* the matter of Fact, *together with* His Opinion *thereupon.*

Richard Colinge.

Next Council day *Mr. Attorny General* gave the following Report on the Reference made to him on the *Corniſh Petition*, viz.

To the Queens Moſt Excellent Majeſty:

May it pleaſe *Your Majeſty*,

IN *Humble Obedience to* Your Majeſties *Order in* Council, *upon the Petition of ſeveral* Inhabitants *of the County of* Cornwal, *in behalf of themſelves, and other* Inhabitants *of the ſaid* County, *hereunto annexed, I have, in the preſence of ſome of the* Petitioners *and their Counſel, and ſome of the* Eaſt India Company *and their Counſel, Examined the* Petitioners *Allegations; and do find, That His late Majeſty King* Charles *the Firſt, by His* Letters Patents *under the* Great Seal *of* England, *bearing date at* Oxford, *the 26th day of* January, *in the Nineteenth year of His Reign, out of* His Princely *Contemplation of the many and extraordinary faithful Services to His ſaid Majeſty, then of late performed* by His County of *Cornwal, and for their better Encouragement to proceed* in their Duty and Allegiance to His Perſon and Crown, *and for other Conſiderations, Did for Himſelf, His Heirs and Succeſſours, Give and Grant unto all and every the Men and Inhabitants, Liege Subjects of the Kingdom of* England, within the ſaid County of *Cornwal then being, and then after to be; That they and every of them by themſelves, or any of them; their or any of their Factors, Agents, or Servants*, Liberty and Freedom, *from time to time, and at all times for ever afterwards*, to Trade, Traffick, and Commerce, *with their Ships and Veſſels, Goods and Merchandizes, unto and from the* Hanſe-Towns, *and all Ports and Places within the Dominions of* the King of *Denmark, and* Great Duke of *Muſcovia, and all Ports and Places in the* Levant Seas; *whilſt they or any of them ſhould be in amity with His ſaid Majeſty, His Heirs and Succeſſours; and unto all other Ports and places, for the time being, in amity with His* ſaid Majeſty, *His Heirs and Succeſſours; whether the Merchants of the* Eaſt-land, Ruſſia *and* Turkia *Companies of* London, *and Company of* Merchant-

Merchant-Adventurers *of* London, *or any of them did or might Trade; and unto and from all other Ports and* Places whatſoever beyond the Seas, *for the time being, in amity with His ſaid late Majeſty, His Heirs and Succeſſours; whether any of the Subjects for the time being, of His ſaid Majeſty, His Heirs or Succeſſours did or might* Trade, *in as full and ample manner as His late Majeſty could Grant the ſame;* ſaving *His Right to His Cuſtoms and Duties.* Yielding and Paying *therefore to His Majeſty, His Heirs and Succeſſours the Summ of* Four Shillings, *to be paid to* the Sheriff of *Cornwal, at* All Saints. *And His ſaid Majeſty did thereby for Himſelf, His Heirs and Succeſſors, Promiſe and Grant to the ſaid* Men and Inhabitants, *as well preſent as to come, That if any* Doubt or Queſtion *ſhould happen to ariſe touching* the validity *of that Grant; that then upon the Petition of the ſaid* Men and Inhabitants, *or upon Notice or Certificate of* their Learned Counſel, *touching any Defect to be amended,* * *His* ſaid late Majeſty, *His Heirs or Succeſſours, would Grant other Letters Patents unto the ſaid* Men and Inhabitants, *with ſuch* Amendments, Explanations, Amplifications *and* Additions, *for ſupplying the ſaid Defects, as by their* Counſel *ſhould be adviſed and thought fit; and which might tend to the* Confirmation *of that preſent Grant, or to the Perfection of His Majeſties Intentions, any way appearing; with ſeveral* Non obſtante's, *amongſt which one is, Tho' the* ſaid Men and Inhabitants *in Conſtruction of Law be not reputed* a Corporation, *or Body-Politick, nor Capable in Law to have and hold the Priviledge thereby Granted. The Petitioners produced a Printed Paper Dated at* Sudeley-Caſtle *the 10th of* September, 1643. *(which was previous to the Grant,) purporting His ſaid* late Majeſties Declaration *of His ſenſe of* the Extraordinary Merit of the County of *Cornwal, for the Defence of* His Perſon, and Rights of His Crown; *wherein are contained* many Gracious Expreſſions *of thanks and acknowledgments to* that County. *The ſaid Petitioners produced alſo another Paper, alledged to be* a Copy of a Letter or Order, *from* King *Charles* the Second, *and to be Counterſigned By Mr. Secretary* Coventry; *and Superſcribed, To the Right Honourable,* John *Earl of* Bath, *the Lord* Mohun, *Lord* Arundel *of* Trerice, *and divers other Eminent and* Conſiderable Gentlemen of that County, *dated the 17th of* March, 1673. *reciting the former Grant of King* Charles *the Firſt; and Commanding all* Governours of Iſlands, Caſtles, Forts, *&c.* Captains, Officers, Agents, Factors, Merchants, *and all other His Subjects not to hinder or moleſt* the Inhabitants of *Cornwal, their Agents, Factors, or Servants, in their Trade or Traffick; nor to detain, ſeize, or prejudice their Ships, Goods, or Merchandize: but in all reſpects* to treat them as His Majeſties loving

* Here the Crown Covenants to make this a Grant valid in Law, in caſe of any defect therein.

loving Subjects *ought to be*; *they always producing the Copy of the said* former Grant, *and of* the Letter *attested under any five of the Persons hands to whom that Letter was Subscribed, Commanding, That no other Person be permitted to Trade, under pretence of* that former Grant, *but such only as are thereby designed.* **Provided**, *That if any of the Companies or Corporation of Merchants should find themselves aggrieved, with or by reason of the said* former Grant, *they may try* the validity thereof, *in any of* His Majesties Courts of England, *proper for the same.*

The Petitioners Council *insisted that this was a good License to all the Inhabitants of* Cornwal, *then and in future times to Trade to the Places therein mentioned, and that though the* East-Indies *be not therein named, yet that the* Inhabitants *might Trade thither, as to a Place in Amity with the* Crown, *and desired that a* **Proviso** *might be added to the* Charter *preparing for the* East-India *Company, for saving the* Inhabitants Right *to that Trade, by Vertue of the said Grant of* King Charles the First, *and that the said Charter may not prejudice the same.*

The Councel for the East-India Company *Objected against the validity of that Grant of* King Charles the First, *as not making any* Corporation, *nor Conferring any Right to Trade in the* East-Indies, *that place not being named, nor any League, Truce, or Amity, being made out to be between the Crown of* England, *and the* Princes or Governours of the places within the East-Indies, *and Asserted that this Grant of* King Charles the First *was never put in Execution, and that if it was and continues* a good Grant **in point of Law**, *it cannot nor will be prejudiced by passing the Charter (now under Consideration) to the* East-India *Company.*

In my Humble Opinion the Grant of King Charles *the First, is of an unusual Nature, and by the* Non obstante *in it, it seems as if it did not, nor was not intended to make a* Corporation; *and as this Case is, I humbly conceive it did not make* the Inhabitants of Cornwal a Corporation, *though there be a yearly Summ of* Four Shillings *reserved* to the Crown, *and to have it operate as* a personal Grant *to each* Inhabitant *present and to come, is not pretended to be good, and by the* general Words of it, *it seems to be* an Invasion *upon the Rights of the former* Company *therein mentioned, which they held by* Royal Charters *preceding to it, and in Words confers* a Liberty to Trade into *Russia, against an* Act of Parliament *that establishes* that Trade *to the Company* Exclusive *to all others. This Grant was made when a former Charter was in being to an* East-India *Company, which Charter was afterwards in the Reign of King* Charles *the Second, renewed to that* Company, *and for ought I can perceive, there is no pretence of*

Exercise

Exerciſe of the Liberty Conferred by that Grant ſince the making of it.

Upon the whole matter, I humbly conceive, that Grant of King Charles *the Firſt to the Inhabitants of* Cornwal, (* *if ever it was good* in Law) *cannot, nor will be prejudiced by Paſſing the pretended Charter to the* Eaſt-India *Company, which is relative only to what* the late *Eaſt-India* Company *lawfully Enjoyed the* 24th *of* March *laſt; though there be no* Proviſo *for ſaving the ſuppoſed Right of* the Inhabitants, *as is deſired.* All which, *nevertheleſs, is moſt humbly ſubmitted to* Your Majeſties Royal Wiſdom and Pleaſure.

* Admittin it were no good, yet Crown ha covenanted to make it good Gran by any ſub quent Char to ſupply defects of former.

Edw. Ward.

28*th* Septemb. 1693.

A *Petition* was then likewiſe Delivered *by the Owners of the Ships* which went to the *Eaſt-Indies* laſt Year, praying that the *Illegal Powers* which were in their former Charters, might be *particularly excepted*, that ſo the *Lives* of their Fellow-Subjects might not be expoſed to *their unjuſt Oppreſſion.*

To the Queens Moſt Excellent Majeſty:

The Humble Petition of *ſeveral Owners and Freighters of the Ships* Edward *and* Henry, *on behalf of themſelves and* the reſt of the Owners *of the ſaid Ships.*

Sheweth,

THAT *whereas the Petitioners did in* May *laſt, ſend out the ſaid Ships to the* Eaſt-Indies *with a conſiderable* Cargo *of* Goods *of the Growth, Product and Manufacture of this Realm. And there being a* Charter *now depending before Your Majeſty for the reſtoring to the late* Eaſt India *Company their former* Powers *without any particular diſtinction of the illegal from the legal; the ſaid* Company *and their* Agents *will naturally be induced to conclude all thoſe* Powers *to be* Legal, *and to execute them as they have* formerly done, *to the* Ruin *and* Oppreſſion *of* Your Majeſties *Subjects.*

That unleſs the Illegal Powers *in their former Grants be particularly* Diſtinguiſht *and* Excepted *out of the* Deſired Charter of Reſtoration, *the* Eſtates *of the Petitioners, and the* Lives, Liberties *and* Eſtates, *of their* Factors, Servants *and* Marriners, *and*

other Your Majeſties Subjects, in thoſe parts, *will be in danger of being invaded*; *which poſſibly may put ſome of them upon the* uſing force in their lawful defence; *and may tend not only to the breach of the Peace, but* the hazard of the Lives *of Your Majeſties Subjects.*

• *And foraſmuch as* Seizing the Ships and Goods *of the Subjects of* England *for Trading into the* Eaſt-Indies, *hath been already* adjudged Illegal *by ſeveral ſolemn* Judgments *in* Weſtminſter-Hall, *ſince Your Majeſties happy acceſſion to the Crown.* —— *And for that* in Places ſo remote, *the Petitioners can neither be able to defend themſelves againſt the Injuries* before they are committed; *nor to right themſelves by Law*, after they are acted: *the wrong-doers being out of the reach* of the ordinary Juſtice of the Kingdom: *whereby the Petitioners will be left* without remedy.

The Petitioners therefore humbly Pray *Your Majeſtie*, in conſideration of the premiſſes, would be graciouſly pleaſed *to Order*, That *all the Illegal Powers* in their former *Charters* may be diſtinguiſh'd from thoſe which are *Legal*; by ſuch Methods, as *Your Majeſty*, in Your great Wiſdom ſhall think meet: to the end that *all the Illegal Powers* may be excepted out of *the deſired Charter of Reſtoration*; ſo that the *Lives, Liberties*, and *Eſtates* of *Your Majeſties* Subjects, *in thoſe Parts*, may be ſecured from *their Unjuſt Violence and Oppreſſion.*

And the Petitioners (as in Duty Bound) ſhall ever Pray, &c.

The Merchants having no Anſwer to the ſeveral Petitions delivered to Her Majeſty, *for Protection for Four Hundred Seamen*; they preſented *another Petition*, with ſeveral Reaſons annext, to enforce it: which Petition and Reaſons follow.

To the Queens Moſt Excellent Majeſty:

The Humble Petition of ſeveral Merchants and others, *on behalf of themſelves and other* Your Majeſties *Subjects.*

Sheweth,

THat *by reaſon of* the preſent War, *the Petitioners did by two Petitions Humbly Beſeech* Your Majeſty *in Council*, for Protection for 400 *Engliſh* Seamen, *to Man Five Ships to the* Eaſt-Indies *this approaching Seaſon*; *and in humble Confidence of* Your Majeſties *Granting the ſame*, *have made* great Preparations *for the ſaid Voiages.*

That on the Two Ships which were ſent out to the Eaſt-Indies *laſt year*, *for Private Accounts*, *there was* more Cloth, and other Goods *of the Growth*, *Product*, *and Manufacture of* England, *Exported*, *than what the Company have Exported thither* in Four Years *of their Trade. Although the intereſted in thoſe Ships were under no Obligation to Export any.*

That the Petitioners will Export much greater quantities of Cloth and other Goods of the growth, *product*, *and manufacture of* this Kingdom *in this* One Year, *than what the Late Company have Exported* in Five whole Years *of their Trade*; *although in that time they have ſent out above* Ten Thouſand Tunn *of Shipping.*

That at the Return of the ſaid Five Ships, *the Petitioners will ſupply* Your Majeſty *with Five Hundred Tunn of* Salt-Peter, *at* 3 *l. per* Hundred-weight: *though that Commodity*, *for want of the Companies Importing it*, *is now Sold for* 8 *l. per* Hundred-weight. *Whereby there will be* ſaved to *Your Majeſty*, 50000 l. *at the preſent Price.*

That the Cuſtom, *payable to* Your Majeſty *at the Return of the ſaid Ships*, *will amount to about* Sixty Thouſand Pounds; *which is* Three times as much, *as the Late Company have Paid to the Crown for all their Own*, *Aliens*, *and Other mens Goods Imported on their Ships* the laſt Three Years. *So that the very Cuſtoms payable to* Your Majeſty *at the Return of the ſaid Ships*, *will amount to* One Hundred and Fifty Pounds Sterling, for every one of the ſaid 400 Seamen which the ſaid Petitioners deſire; *beſides the other Advantages which will accrue to* the Publick, *by Exporting large*

quantities of Cloth and other Goods, *of the Growth, Product, and Manufacture of* England; *supplying* Your Majesty *with* Salt-peter, *and the* Nation *with other* East-India Goods, *much Cheaper than either it now is, or possibly can be, if they are all Engrossed into one hand.*

That the Late Company, for several Years past, have not had a Stock sufficient *to carry on* so Vast a Trade, *and are at present* reduced to so mean a Condition, * *that they have* neither a sufficient Estate of their own in *England*, to Lade the Ships they Petition for; nor in *India*, to Lade them Home again: *and that the said Trade is* in danger to fall into the hands of some other Nation, *unless timely prevented: As may appear* by the annexed Reasons, *Humbly Offered to* Your Majesties *Consideration.*

And for as much as the Petitioners, by reason of the present War, *and* the great and heavy Losses *which they have sustained thereby; as well as* the many Obstructions and Hazards in most other Trades, *are much disheartned in prosecuting the same; to* the great Damage *of the Petitioners; and* the depriving them in effect, of the means of their Livelihood; *as well as* the discouragement of the Woollen-Manufacturers, and other Artificers subsisting by Foreign Trade, *wherein many thousands of the Poor of* this Kingdom *are emploied.*

The Petitioners therefore most Humbly Pray *Your Majesty* would be graciously pleased to grant them *Protections for the said Number of Seamen to go to the* East-*Indies* this year; that being the most profitable, and least hazardous of any Foreign Trade: *whereby the Petitioners may be enabled in some measure to Repair the Great Losses, which by reason of the War they have sustained.*

And Your Petitioners shall ever Pray, *&c.*

REA-

REASONS, *Humbly Offered to Your Majeſties Conſideration; whereby it may appear, That the late* East-India *Company have neither Stock at Home or Abroad, to carry on that Trade; and that it is in danger to be Loſt to this Kingdom, and to fall into the hands of ſome other Nation.*

The Late Companyes want of Stock at Home *is Viſible*

I. *By their having ſent out to the* East-Indies *in three whole Years time of their Trade,* Viz. *in* 1689, 1690, *and* 1691 in 7 Ships containing about 3000 Tuns, but the value of 26000 l. as may appear by their Accounts laid before the *Houſe of Commons* in 1689 and 1691, of which moſt part was *Ammunitions and Stores* for their *War.*

II. *By their having in England* but 38901 *l.* 8 *s.* 8 *d.* according to their own Accounts given in to Parliament in 1691, including 9920 *l.* for their Buildings, though they had ſent out ſo little in the preceding Three Years, and had had above 10000 Tuns of their Shipping arrived in that time, *whereas in Truth* three times that Summ *would not have paid the Debts which they then Owed,* and made good the other miſtakes omitted to be inſerted in that Account.

III. *By their Farming out their Trade* to and from the *Eaſt-Indies,* to be carried on by Foreigners and others on Permiſſion, on their Ships, and *not Trading themſelves,* when *Engliſh* Goods were ſo much *wanted there,* and *Eaſt-India* Goods ſo exceſſive *ſcarce and dear here,* which it can never be ſuppoſed they would have done, if they had had effects either *at home or abroad,* to carry on the Trade themſelves.

IV. *By their calling in* 50 per cent. of their Stock, before they could ſend out the laſt Years Ships, which was *a Publick Confeſſion* of their own, that they had not *Stock ſufficient* to carry on their Trade without it.

V. *By their having no Money in* England to carry on their Trade, notwithſtanding the ſaid 50 *l. per Cent.* called in, that not being ſufficient *to PAY what they Owed* before it was called in.

VI. *By their Shipping out in Five Years of that Trade,* ſo little *Cloth,* as has in all that Time amounted to but about 20000 *l.* and not near

near ſo much in all other Goods of the Growth, Product, or Manufacture of *England*, which ſhews, either that *they wanted Money to Pay for them*; or *That they had little regard to the Publick Good of the Nation* in the proſecution of their Trade.

VII. *By the Engroſſing the Goods* (which have come home,) by *the Ruling Members*, who *Sold them to themſelves*, knowing the Company had not a Stock to ſupply the Nation with thoſe Commodities, thereby *inhanſing the Prizes* to ſuch extravagant Rates.

VIII. *By their not ſupplying the Nation with* Salt-Peter, although the ſafety *of the Kingdom* ſo much depends thereon, that Commodity by reaſon of its ſcarceneſs for want of their Importing it, being *now ſold at near Four times the uſual Price.*

Their Want of Stock abroad is alſo Viſible,

I. *By their Factors having ſent home in a few years* about 2000 Tuns of their Shipping *empty.*

II. *By their having kept their Ships ſo long in* India, when *Eaſt-India* Goods were ſo much wanted at home. One of theſe Ships now lately arrived, having been *Five Years Out*: And Three of thoſe ſent out in 1689 and 1690 not being yet returned; beſides above 1200 Tuns of other Shipping which they had formerly ſent out, and which they would, as they might, have laded home, *if they had not wanted Money, there* more than Ships.

III. *By their being ſo vaſtly indebted at* Suratt *their chiefeſt Reſidence*, that their General, or Preſident and Council there are *confined to the Town*, and not permitted to ſtir out of it unleſs with *a Guard to Watch them for fear they ſhould run away without paying what they Owe*, and making reſtitution to the Natives for the damages done them in the War. And although by their Account given in Parliament in 1691, they pretended to have there about 200000 *l.* after all Debts paid; *yet they are ſo far from having any Stock at all there*, That they *are forced to Borrow Money to pay for the neceſſary Charges of their Factory*; as the Petitioners can prove by perſons of undoubted Credit, lately come from thence, who arrived here but in *Auguſt* laſt.

IV. *By their Starving the Trade*, having had home in *Two* Years but *Three* Ships, containing not above *One Thouſand Tuns* (though they have *ſo many Ships abroad*, and that *Eaſt-India* Goods are *ſo much wanted at home*,) and even theſe *Three* Ships, a great part Laden by *Armenians and others on Permiſſion* for private Accounts, whereas

whereas in that time the *Dutch Eaſt-India Company* have had home about * *Ten Thouſand Tuns of Shipping.*

* About 15000 Tunn

By all which it may *plainly appear* to Your Majeſty, That *the late Company* have *neither Stock at home nor abroad*, to carry on that Trade; but on the contrary, *are vaſtly Indebted there*, as has been already Obſerved to Your Majeſty: *Notwithſtanding*, that by their Accounts given in Parliament, in 1691, they pretended that they had 828860 *l.* in *quick-ſtock* in the *Eaſt-Indies*, after all Debts and Demands were paid and ſatisfied; and that they have not had home from thence near the value of 100000 *l.* ſince that time; and for *want of their Stock* to manage this Trade, Your Majeſty has ſuffered in a very few years laſt paſt, at leaſt 300000 *l.* in *Your Cuſtoms*, and that Trade is in a manner *quite loſt to this Kingdom, and given away to the* Dutch; who do not only *ſupply themſelves directly from the* Eaſt-Indies, with thoſe Goods which they formerly had from *England*; *but do furniſh other Countries*, which we were uſed to ſupply; and even the Conſumption of this Kingdom it ſelf is now chiefly ſupplied with *Eaſt-India* Commodities *by ſtealth from* Holland. And beſides the Conſiderations above-mentioned, *ſeveral other Princes and Potentates*, viz. the *Danes*, *Portuguezes*, and *Genoueſes*, are encouraging, and inviting not only their own, but likewiſe the Subjects *of other Princes*, and *eſpecially Your Majeſties*, to proſecute this Trade *to and from their Dominions*, in Shipping of thoſe Countries; which may prove *of dangerous conſequence to this Kingdom*, unleſs prevented by permitting the reſt of Your Majeſties Subjects to partake of this Trade, from hence, *upon equal terms*: for that it will be more advantageous, either to embrace the aforeſaid Encouragement, or to come into that Trade by being concerned *in the* Dutch Eaſt-India *Stock*, rather than by Building on the rotten Foundation of the *late Company*; who, it's viſible, *have not a Stock to carry on that Trade.*

But the *Ill Intentions of the late Company* are the more apparent; for that though they themſelves have been able *to drive ſo little Trade to the* Eaſt-Indies for ſeveral years laſt paſt; yet *they would obſtruct others* Your Majeſties Subjects from Trading thither; thereby endeavouring *to leſſen Your Majeſties Cuſtoms*, and to *give away this Trade from our own to ſome other Nation.*

All which the Petitioners Humbly Submit to Your Majeſties great Wiſdom, *and are ready to Prove the Particulars thereof*, upon any day to be aſſigned them *by Your Majeſty for that purpoſe.*

But

But no day was aſſigned, nor Anſwer given to this or the former Petitions; altho' thoſe who acted as the late Company, had Protections granted them for 1200 Seamen, to go to the *Eaſt-Indies* this Seaſon; and an Order of Council was then paſt, directed to either of the *Secretaries of State*, to prepare a Warrant for *Her Majeſties Signature*, in order to Paſſing the Charter to the late Company; the draught of which Charter was annext to the Order it ſelf, which Order follows, *viz.*

At the COURT *at* White-Hall:

The 28*th of* September, 1693.

Preſent,

The *QUEENS* Moſt Excellent Majeſty,

in COUNCIL.

UPON *Hearing at the Board the Buſineſs concerning* the Paſſing of a Charter to the *Eaſt-India* Company, *by Councel Learned as well on behalf of the ſaid* Company, *as of* thoſe Perſons *who have preferred Petitions againſt paſſing of the ſaid* Charter. Her Majeſty *in Councel, upon conſideration of the whole matter, is pleaſed to Order, and it is hereby Ordered, That* One of Their Majeſties Principal Secretaries of State *do prepare a Warrant for Her Majeſties Royal Signature, in Order to the Paſſing* of a Charter *to the ſaid Company, according* to the Draught and Proviſo hereunto annexed, *which were* approved this day at the Board, *which* Proviſo *is to be added at the end of the* Draught of the Charter, *next before the Words* [*In Witneſs*]

The Merchants attended upon their *Caveats*, and being heard, offered their *Reaſons* againſt the Paſſing that Grant, *altho' to no effect.*

The Right Honourable the Lord Privy-Seal having been abſent in the Countrey whilſt this Matter was debated in Council, the Merchants preſented his Lordſhip the following Paper on the 5*th* of *October*, when they attended his Lordſhip on their *Caveat.*

To

To the Right Honourable, the Lord PRIVY--SEAL.

Some Authorities (*among many*) *of the* Common Law, *aſſerting* the Subjects Liberty of Foreign Trade; *and that they cannot be Excluded from the ſame, by any* Grant *or* Charter *from the* Crown.

The Authorities are the ſame as were annext to the *Merchants Reply* afore-mentioned, and ſo need not to be repeated.

An Abſtract of ſeveral Statutes (*among many others*) *aſſerting* the Liberty *of the Subject to* Foreign Trade; *and that they cannot be debarred of that Liberty by any* Charter, Uſage, *or* Cuſtom, *or by any* Judgment *given thereupon.*

The Quotations of the Statutes are the ſame as were annext to the Merchants *Reply* before-mentioned.

Foraſmuch *as beſides the* Prohibitory Clauſes *in the former* Charters of the late *Eaſt-India* Company, *there are alſo ſeveral* other Powers notoriouſly Illegal; *which were admitted to be ſo*, even by Her Majeſties Own Council: *and notwithſtanding the ſeeming Limitation contained in the Charter now before your Lordſhip, they are* as fully and abſolutely Reſtored and Confirmed, as ever they were Granted; *and cannot otherwiſe be underſtood by thoſe to whom the Grant is intended; who having formerly executed them* as if they had been Lawful, *will by this Grant be encouraged to do the like again: It being ſo far from an intimation of* the Unlawfulneſs of any of thoſe Powers, *that it is rather an Indication that* they are all Lawful. *For it may well be concluded, If any of the ſaid Powers had been Unlawful, they would have been particularly diſtinguiſhed and excepted out of the ſaid Grant: Whereas by the General Grant and Confirmation of their* former Charters, *and the Powers therein contained, without any particular diſtinction*, All the Powers *in*

their ſaid former Charters *are reſtored and confirmed; whereby* **the Lives, Liberties, and Eſtates** *of the Subjects of* England *will be again expoſed to the ſame* **unjuſt Violence and Oppreſſion,** *which they have formerly ſuffered from* the late Company, *by colour of thoſe Powers contained in the ſaid former* Charters, *which are now intended to be Reſtored and Confirmed.*

All which the Merchants concerned in the preſent *Caveat* Entred before *your Lordſhip*, do humbly Offer in behalf of themſelves and the reſt of their Fellow-Subjects, as *their Reaſons* againſt the Paſſing the deſired *Charter of Reſtoration* to the *late* Eaſt-India *Company*; and do humbly claim the benefit of the ſaid **Common Law** and **Statutes**, and all other **Laws, Statutes**, and Cuſtoms of this Realm, for the ſecuring to the Subject the Liberty of Foreign Trade, as **their undoubted Right**, which cannot be taken from them. *London*, the 5*th* October, 1693.

And when they attended the Right Honourable the Lord Keeper on their *Caveat* the 7*th* of *October*, they preſented his Lordſhip the following Paper.

To the Right Honourable the Lord Keeper of the Great Seal of *England.*

REASONS Humbly Offered by *the Merchants* concerned in the *Caveat* entred before *Your Lordſhip* on behalf of themſelves and others, againſt the Paſſing *the deſired Charter* to the late *Eaſt-India Company.*

I. THEY *humbly conceive* Your Lordſhip *to be a* **Judicial Officer** *indifferent between* the King *and his People, and* a Check *which* **the Law** *has appointed over all Grants from* the Crown, *that none may paſs* the Great Seal *which are either* prejudicial to the Crown, or to the Juſt Rights and Liberties of the People.

II. *They*

II. *They humbly Apprehend* no Order *can Warrant* the paſſing any Charter *containing any Grants that are in themſelves* Illegal.

III. *That the* Charter *now before Your Lordſhip*, is a Reſtitution *of ſeveral Grants of* the Sole Trade to the Eaſt-Indies *to a few Perſons, excluding all the reſt of* Their Majeſties *Subjects, which Excluſion they conceive is contrary to* **the Common Law of this Land**, *the Authorities whereof are* too Voluminous *to be inſerted here, and likewiſe contrary to divers* **Statutes**, *ſome of which are particularly expreſt in the Paper Annexed, of which they pray* Your Lordſhips *Conſideration.*

IV. *That if* the King *can reſtrain* ſome of his Subjects *from Trading*, and Licenſe others, *it may be a precedent for any of* the Kings Succeſſors *to ſet* what price they pleaſe *upon ſuch Licenſes; by which means they will never need* **the Aid of Parliaments** *to ſupply them with* Money, *the conſequence whereof may hereafter be very dangerous* to the Kingdom.

V. *That the former* Charters *which are to be reſtored and confirmed by this Grant now before* Your Lordſhip *contain divers other* Illegal powers —— As the *Power of Executing* **Martial Law**, of Impriſoning the perſons, *and* confiſcating the Eſtates of Their Majeſties Subjects, *&c. ſome of which were lately Acknowledged to be* Illegal *even* by their Majeſties Councel at Law.

VI. *The ſaid* Charter *declares the* late Company *to have been of a long time* a Corporation *to the* **Honour and Welfare of the Nation**, *which may be interpreted* a Juſtification *of the* Illegalities *which they have acted, and* a Vindication of them *in that, for which they have been* publickly cenſured in Parliament; *and if there can be any Reaſon* to reſtore the late Company, *without doubt there can be none* to commend them.

VII. *That the reſtoring the ſaid* Charters *wherein ſuch* Illegal Powers *are granted, may occaſion the loſs of* the lives of their Majeſties Subjects, *which can neither be* reſtored nor repaired.

VIII. *That the Execution of the* ſaid Powers *contained in their former* Charters *being in Places ſo remote, the Aggreſſors* are out of the reach *of the ordinary Juſtice of* the Kingdom, *and the parties aggrieved* left without Remedy *or at leaſt unable to contend with a Joint Stock, ſo as to procure* any legal Satisfaction *for the Injury done them.*

IX. *They farther repreſent to* Your Lordſhip, *that ſome of the concerned in* the ſaid Caveat, *have Factors, Servants and Marriners, as well as conſiderable Eſtates* in India, *and the reſtoring the former* Charters *may expoſe not only them but all others who may go into thoſe Parts on* their Lawful Occaſions, *to the Arbitrary Powers contained*

in the old Charters, *for that no Proviſion is made in this* New One *to Secure them, and* the Company *may be encouraged by this Grant to execute* the ſaid Unlawful Powers *as they have formerly done.*

X. *That* the Induſtrious Application *of the Company to get* this Charter *paſs* ſo near the Seſſion of Parliament, *where this matter has been* ſo long depending, *can be accounted nothing but* a Deſign *in them* to obſtruct the Settlement *of that Trade by* the Parliament, *to whom* the King *has expreſsly* referred it by his Meſſage *ſent to* the Houſe of Commons *the laſt Seſſion.*

XI. *That the Copy of the* ſaid Charter *ſince it has been altered, hath been denied, whereby they are debarred from the opportunity of making* ſuch juſt Exceptions *as otherwiſe they might or ought to do in* a matter of ſo great conſequence.

XII. *That the Granting* this Charter, *which reſtores* the Sole Trade of the Eaſt-Indies, *to* the late Company *will be in effect* **the giving away that Trade to the Dutch,** *who have already in a great meaſure driven us out of it, and furniſh moſt* other Countreys, *as well as* this *with* Eaſt-India Goods, *the late Company having neither* a ſufficient Stock or Credit *to carry on that* Trade.

And notwithſtanding the pretence made as to the ſeeming limitation contained in the deſired Charter, *We humbly beg leave to repreſent to* Your Lordſhip, *that all the powers which are contained in their* former Charters, *are as* fully and abſolutely reſtored and confirmed *as ever they were Granted, and* cannot otherwiſe be underſtood *by thoſe to whom* the Grant *is intended, who having formerly executed them as if they had been lawful, will by this Grant* be encouraged to do the like; *it being* ſo far from an intimation of the Unlawfulneſs of any of thoſe Powers, that it is rather an Indication that they are all Lawful, *for it cannot be preſumed that any thing* which is otherwiſe, *ſhould paſs with* ſo great Solemnity *under* the Royal Authority, *and through the hands of* the Great Officers of the Kingdom, *who have Examined and Approved the ſame* after ſo long a deliberation; *But it may* rather be concluded *if any of the* ſaid Powers *had been* Unlawful, *they would have been* particularly diſtinguiſhed and Excepted out of the ſaid Grant; *for that by the general Granting and confirming of* their former Charters, *and the Powers therein contained* without any particular diſtinction, *and eſpecially* (*as the Charter expreſſes it*) as fully *as if the ſaid Powers and Charters were* particularly recited; *all the Powers in their ſaid former* Charters *cannot but be ſuppoſed to be* reſtored and confirmed, *whereby the* Lives, Liberties and Eſtates *of the Subjects of* England, *will be again* expoſed *to the ſame* unjuſt Violence and Oppreſſion *which they have* formerly ſuffered from the late Company *by colour*

of

of those Powers *contained in the said* former Charters *which are now intended* to be restored and confirmed.

All which the concerned in the Caveat *before Your Lordship, do* Humbly Offer *in behalf of themselves and the rest of their Fellow Subjects*, as their Reasons *against the passing* the now desired Charter to the late *East-India Company, and do Humbly claim* **the benefit of the Common Law and the said Statutes** *and all other* Statutes and Customs of this Realm, for the Securing to the Subject the Liberty of Foreign Trade (**as their undoubted Right.**)

Octob. 7th. 1693.

The Quotations of the Statutes, *mentioned to be Annext, asserting* the Right of the Subject *to the Freedom of* Foreign Trade, *being the same with those before-mentioned, which were Annext to the* Merchants Reply, *are needless to be repeated.*

And the Merchants being heard on their *Caveat* before mentioned, the Charter past the Great Seal the same day.

The *Publication* of these Matters of Fact is thought the more necessary at this time, for the information and satisfaction of those, whose Affairs and Residences are in the Countries remote, and more particularly of *the Members of the Honourable House of Commons*; who (it's to be hoped) will be hereby satisfied of the present absolute necessi y of asserting the Right of the Subject to *the freedom of Foreign Trade*, to which all *English-men* have *a Natural Right* derived to them *by Birth*, and Merchants especially, a more particular Right *by the Common Law* of this Land, confirm'd by *Magna Charta*, and several *other Statutes*, which declare the ancient Right of the Subject to Foreign Trade before those Statutes were made; and this, as is humbly conceiv'd, seems the more necessary to be done *at this time*; because the omitting it now after the Settlement of this Trade, has been so much debated in *Parliament* and *Council*; and that the *Prerogative* of *Restraining Trade* to some, and *Granting it* to others, has been claimed, and asserted *as Law*, may well be accounted in after-Ages, *a Giving up this Right*, and *admitting such a Power in the Crown, to Restrain Foreign Trade*, as is pretended.

On pretence of this Prerogative of Excluding from Foreign Trade, and

and particularly this Trade, 2 Ships bound for the *East-Indies, were ſtopt laſt year*; to the great damage of thoſe who are concerned therein; and *this Stop was procured* by ſome of the Members of the *late Company*, and was effected in a moſt *extrajudicial*, and *unheard of manner*; and at a time when there was *no Company in being*, nor ſo much as *the pretence of a Charter*; nor *an Embargo* on any other Ships, which were cleared at the Cuſtom-houſe; though they were bound for the *East-Indies*, or any other place whatſoever.

And on the ſame pretence a *Petition* was delivered the 21*ſt*. of *October*, in the Name of *the Governour and Company of Merchants of* London *Trading into the* East-Indies, though not ſigned; praying, the Ship *Redbridge*, Captain *Smith* Commander *might be ſtopt*, (as by a Copy of the Petition appears.)

To the Queens Moſt Excellent Majeſty:

The Humble Petition *of the Governour and Company of Merchants of* London, *Trading to* East-India.

Sheweth,

THAT *there has been lately obtained of* Your Majeſty in Council, *and* the Commiſſioners *for executing the Office of* Lord High Admiral of *England*, *a Permiſſion and Protection for the Ship* Redbridge, Edward Smith *Commander, with fifty Seamen, to proceed on a pretended Voiage to* Alicant *in* Spain.

That Your Petitioners have notice, That the ſaid Ship is really bound (not for Alicant, *as pretended, but) to* East-India, *or other thoſe Parts and Places*; the Sole Trade whereof is Granted to Your Petitioners, *by Your Majeſties gracious* Charter.

Which Proceedings, being as well in contempt of Your Majeſties Government, *and* the known Laws of this Kingdom, *as to the* very great prejudice *of Your Petitioners.*

They Humbly Pray, *a Stop* may be put to *the ſaid Ship, 'till Your Majeſty ſhall be ſatisfied*, where ſhe is really Bound.

And Your Petitioners ſhall ever Pray, *&c.*

Where-

Whereupon the following Order paſt.

At the COURT at White-Hall: *The* 21th. *of* October, 1693.

Preſent,

The *QUEENS* Moſt Excellent Majeſty, in COUNCIL.

UPON *Reading this day* at the Board, *the Humble Petition of* the Governour and Company of Merchants of *London*, *Trading to the* Eaſt-Indies, *ſetting forth*, *That* they have notice, *that the Ship* Redbridge, Edward Smith *Commander*, *with fifty Seamen, who had Licenſe to proceed on a Voiage to* Allicant *in* Spain, *from the Commiſſioners of the Admiralty*, *purſuant to* an Order of this Board, *of the* 12th. *of* Sept. *laſt*, *is really bound (not for that place, but) to the* Eaſt-Indies, *or other places*; the ſole Trade whereof is granted to the Petitioners by Their Majeſties Charter; *and therefore Praying*, a Stop *may be put to* the ſaid Ship; *It is* Ordered by Her Majeſty in Council, *that the ſaid Ship* Redbridge *be immediately* ſtopt *from proceeding in her pretended Voiage to* Allicant, *or elſewhere, until further Order* from this Board, *and the* Right Honourable the Lords Commiſſioners of the Treaſury, *and* Commiſſioners of the Admiralty, *are to give the neceſſary directions accordingly.*

And accordingly the ſaid Ship *was actually ſtopt*, to the great loſs and damage of the concerned; by which Practices the Exorbitancy of ſuch a Power will appear; and this plainly ſhews, what conſtruction the *Company* do and will put upon thoſe Powers granted them by their *Charter* of Reſtoration.

Whereupon the Owners of the ſaid Ship preſented to His Majeſty in *Council*, the following Petition, on the of *Novemb.* 1693.

To

To the Kings Moſt Excellent Majeſty:

The Humble Petition of James Bateman, Samuel Watts, *and* Thomas Dade, *on behalf of themſelves and others, Owners and Freighters of the Ship* Redbridge.

Sheweth,

THAT Your Majeſty *having been Graciouſly pleaſed to Grant* Your Petitioners Licenſe *for ſending* the ſaid Ship Redbridge *for* Alicant; *Your Petitioners did Victual, Fit out, and Man the ſaid Ship for the ſaid Voyage; And there being Four other Ships Bound alſo* for that Port, *all the Five Ships, did interchangeably Enter into* Covenants *of the Penalty of* Two Thouſand Pounds *and upwards each, to ſtand by and aſſiſt one another (if they were Attacked* by the Enemy, *as by the ſaid* Charter-Party *hereunto annexed, more fully doth appear.*

That Your Petitioners have paid all the Duties *and Clearings, and alſo given very* good Security by Bond *at the* Cuſtom-Houſe, *that the ſaid Ship ſhall Sail directly for* Alicant, *and return from thence directly for* England; *and the ſaid Ship was in all points* ready to have Sailed *according to the ſaid Licenſe, when an* Officer of the Admiralty, *by Vertue of* an Order from Her Majeſty and this moſt Honourable Board, *put a Stop unto her upon the* Eaſt-India *Companies Petition, that they have Notice that the ſaid Ship is bound to* India: *Now foraſmuch as this detention, (if longer continued) will not only looſe the Conſortſhip of the other* Four Ships *which wait for her in the* Downes, *wherein the Security of the Voyage doth ſo much conſiſt, but is alſo a preſent Loſs upon Your Petitioners of* Nine Pounds a Day *for Wages and Victuals to the Sea-men. And in regard the ſaid Ship was ſtopt upon* the bare Allegation of the ſaid Company, *without any Proof, or ſo much as a Hand to the Petition; your Petitioners hope that the* Charter Parties hereunto Annexed, *and the Bond given at the* Cuſtom-Houſe *ſhall be ſufficient to clear her from* this preſent Stop.

Therefore Your Petitioners do moſt Humbly pray Your Majeſty that the ſaid Ship may be permitted according to her Licenſe, and the Security given, to proceed on her Voyage for Alicant, *in Company with the other* four Ships.

And they ſhall ever Pray, &c.

Upon which Petition, the Examination of this *matter* was Referred by His *Majeſty*, to the *Lords of the Admiralty*, and after ſome time the Ship was cleared, and permitted to proceed on her Voyage to *Alicant*; as appears by the *Report* made to *His Majeſty* by the Lords of the *Admiralty*, and the *Order of Council* thereupon, *Copyes* whereof are hereunto annext.

Admiralty Office 7th. Nov. 1693.

By the Commiſſioners for executing the Office of Lord High Admiral of *England, Ireland*, &c.

IN Obedience to His Majeſties Order in Council, *on the Petition of* James Bateman, Samuel Watts, *and* Thomas Dade *on behalf of themſelves and others, Owners and Freighters of the Ship* Redbridge; *Praying, That* the Stop *lately put to the Sailing of the ſaid Ship to* Allicant, *may be taken off, and that ſhe may be permitted to proceed on her* ſaid Voiage: *We have Examined into the ſame, and find, that the ſaid Ship* Redbridge *is bound by Charter-party to proceed for* Allicant, *and return from thence directly for* London, *in Company with four other Ships. And Sir* William Gore, *Sir* Samuel Daſhwood, *Mr.* Iſaac Houblon, *and ſeveral others, in behalf of the* Eaſt-India *Company; as alſo Mr.* Shephard, *Mr.* Bateman, *and other Owners and Freighters of the ſaid Ship being fully heard; the former, as to what they could alledge againſt; and the latter, for her Proceeding. It does not appear to us, that there is any* grounds *for Continuing the preſent* Stop *on her: And therefore we are humbly of* opinion, *ſhe may be permitted to Sail on her intended Voiage to* Allicant; *which the aforeſaid Gentlemen who appeared in behalf of the* Eaſt-India *Company did conſent to, upon Mr.* Shephard's *declaring before this Board, That the ſaid Ship is not bound to the* Eaſt-Indies, *but to* Allicant, *and from thence back to* London.

Faulkland. Rob. Auſten.
J. Lowther. R. Rich.

At the COURT *at* White-Hall:

The 9th of November, 1693.

Preſent,

The *KINGS* Moſt Excellent Majeſty,

in COUNCIL.

UPON *Reading a Report from the* Lords Commiſſioners of the Admiralty, *Dated* 7th. *Inſtant: It is this day Ordered, by* His Majeſty in Council, *That the Ship* Redbridge *be permitted to proceed on her Voiage to* Allicant, *purſuant to the Order of this Board, of the* 12th. *of* September; *notwithſtanding the* Stop *put to her Sailing by Order of the* 21ſt. *of* October *Laſt, on the Petition of the* Eaſt-India *Company; and* the Right Honourable the Lords Commiſſioners of the Treaſury, *and* Lords Commiſſioners of the Admiralty *are to give Directions accordingly.*

William Bridgeman.

By which its very plain, that ſuch proceedings, if they are not prevented, will render all the *Foreign Trade* of *England* Precarious, by being ſubject to be interrupted by the *Caprice*, or *Malice* of any one who is a Committee Man of the *Eaſt-India* Company.

The admitting *ſuch a Power in the Crown, to reſtrain Foreign Trade* from ſome Subjects, and to grant it to others, *excluſive* of the reſt; would be *of dangerous conſequence* to this Kingdom, having a direct tendency to incline *future Kings*, to *Farm out all Trade*, and ſo to *raiſe Money without the Aid of a Parliament*; And the Aſſerting the Right of the Subject is now the more requiſite, in as much as the omitting it ſo long, has been a *Grievance* which calls the louder for its preſent *Redreſs*, having already given way to *a Pretence of Preſcription*, which was alſo urged as an Argument for the *Power of the Crown* to reſtrain this Trade.

Though

Though it will as is humbly ſuppoſed, plainly appear by what has been already obſerved, as well as by theſe following conſiderations, *That the Crown has not the Power of reſtraining Foreign Trade* to ſome, and *Excluding* others, **without an Act of Parliament.**

1. By the confirming the *Hudſons Bay Company* by *Act of Parliament*, ſince Their Majeſties Acceſſion to *the Crown*, which is a clear demonſtration of the *Inſufficiency* of *any Charter to Exclude* the Subjects of *England* from Foreign Trade, *without an Act of Parliament*; and of this the *Eaſt-India Company* were ſufficiently convinc'd, having Petitioned this preſent *Houſe of Commons* for the like Eſtabliſhment; whereby they themſelves admit, *That the Crown could not Exclude from that Trade without an Act of Parliament.*

2. *By the ſeveral Judgments* which have been given in *Weſtminſter-Hall*, ſince their Majeſties Happy Acceſſion to the Crown, *againſt the ſtopping Ships bound to the* Eaſt-Indies; and againſt the ſeizing of Ships and Goods by colour of *ſuch Excluding Charters*, for Trading to the *Eaſt-Indies* and *Guiney*, within the limits of them, thereby declaring it Lawful for the Subjects of *England* to Trade into the *Eaſt-Indies* and *Guinney*, notwithſtanding thoſe Charters, and without any particular Licenſe from the King for ſo doing.

3. By *His Majeſties Meſſage*, ſent the *Houſe of Commons* the laſt Seſſion, in anſwer to their Addreſs of the former Seſſion, for Diſſolving the late Company, wherein its declared, *That he could not ſettle it by his own Authority alone, and that the Concurrence of the Parliament is neceſſary to make a compleat and uſeful Settlement of this Trade.*

To Conclude, a **ſhort Bill for the Declaring and Aſſerting the Right of the Subject, to the Freedom of Foreign Trade**, might be Paſt ſpeedily, without obſtruction to the other *Publick Affairs*, and might be a means to facilitate the eſtabliſhment of a new Company, for the carrying on *this Trade*, by a new *National Joint-Stock*, to be raiſed by *new Subſcriptions* (if the Wiſdom of the Parliament ſhall think that the beſt method) for the future carrying on of this Trade.

This would remove thoſe Difficulties and Oppoſitions which have hitherto prevented that ſettlement, *by making the oppoſite Parties Concur* in their endeavours to obtain it; and would be a means effectually

effectually *to secure that Trade from being lost*, until such a settlement of it can be made as *the Parliament shall judge most beneficial to this Kingdom.*

One great Objection urged by the Favourers of the *Company*, against such a Freedom of Trade, is, *That it will spoil the Trade*, which therefore deserves to be considered; But its very remarkable, *if they are ask't how the Trade will be spoilt?* whither the Trade will not be carried on? our Manufacture Exported? and *East-India* Goods Imported? They will allow all these will be done in an open Trade: But how then will the Trade be spoilt? *The Answer is obvious*, just as it would spoil any other *Monopoly*, when have *the sole Buying and sole Selling* of any Commodity, if others were admitted to sell the same; they must be content to get less. *English Goods* will be sold cheaper there, and *East-India Goods* will be sold cheaper here; And if this be the Case, as its plain it is, *such a Freedom of Trade* would make the Trade better for the Publick, though it might be worse for those that drive it.

All which is Humbly submitted to the Honourable House of Commons, &c.

FINIS.